

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

HEALTH POLICY
Senator Harrell, Chair
Senator Berman, Vice Chair

MEETING DATE: Monday, January 7, 2019**TIME:** 2:30—4:00 p.m.**PLACE:** Pat Thomas Committee Room, 412 Knott Building**MEMBERS:** Senator Harrell, Chair; Senator Berman, Vice Chair; Senators Baxley, Bean, Book, Cruz, Diaz, Hooper, Mayfield, and Rouson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed bill:			
1	SPB 7000	OGSR/Dental Workforce Surveys/Department of Health; Amending provisions relating to an exemption from the public records requirements for personal identifying information contained in dental workforce surveys held by the Department of Health; removing the scheduled repeal of the exemption, etc.	Submitted and Reported Favorably as Committee Bill Yeas 10 Nays 0
Consideration of proposed bill:			
2	SPB 7002	OGSR/Alzheimer's Disease Research Grant Advisory Board; Amending provisions relating to an exemption from the public records and meeting requirements for applications provided to the Alzheimer's Disease Research Grant Advisory Board within the Department of Health and the review of such applications; removing the scheduled repeal of the exemption, etc.	Submitted and Reported Favorably as Committee Bill Yeas 10 Nays 0
Consideration of proposed bill:			
3	SPB 7004	OGSR/Department of Health Personnel; Amending provisions relating to an exemption from the public records requirements for personal identifying and location information and photographs of certain Department of Health personnel; removing the scheduled repeal of the exemption, etc.	Submitted and Reported Favorably as Committee Bill Yeas 10 Nays 0
4	Medicaid Update - Agency for Health Care Administration		Presented
5	Opioid Update - Department of Health		Presented
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Policy Committee

BILL: SPB 7000

INTRODUCER: Health Policy Committee

SUBJECT: OGSR/Public Records/Dental Workforce Surveys

DATE: January 7, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	HP Submitted as Comm. Bill/Fav
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SPB 7000 amends s. 466.051, F.S., to save from repeal the public records exemption for personal identifying information contained in records provided by dentists or dental hygienists licensed under ch. 466, F.S., in response to Department of Health (DOH) dental workforce surveys. The exemption will automatically be repealed under the provisions of the Open Government Sunset Review Act (OGSR) on October 2, 2019.

The bill takes effect October 1, 2019.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.² In addition to the Florida Constitution, the Florida Statutes provide that the public may access

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that

[i]t is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements by passing a general law by a two-thirds vote of each of the House and the Senate.⁹ The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.¹¹

When creating a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”¹² Records designated as “confidential and exempt” may be released by the records custodian only under the circumstances defined by the Legislature.

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹² If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹³

Open Government Sunset Review Act

The OGSR prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹⁴ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁵ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁶ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;¹⁷
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;¹⁸ or
- It protects trade or business secrets.¹⁹

The OGSR also requires specified questions to be considered during the review process.²⁰ In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²¹ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then

¹³ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁴ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

¹⁵ Section 119.15(3), F.S.

¹⁶ Section 119.15(6)(b), F.S.

¹⁷ Section 119.15(6)(b)1., F.S.

¹⁸ Section 119.15(6)(b)2., F.S.

¹⁹ Section 119.15(6)(b)3., F.S.

²⁰ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²¹ FLA. CONST. art. I, s. 24(c).

a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²²

Workforce Surveys

The DOH currently administers two dental workforce surveys—one for dentists and one for dental hygienists—which may be completed as part of licensure renewal. Participation in the surveys is optional, and practitioners are not required to respond.

The DOH first offered the survey to dentists and dental hygienists in 2010²³ and has had the following percentage participation rates (among those with active licenses) by year and population as follows:²⁴

Population	2009-2010	2011-2012	2013-2014	2015-2016
Dentist	89%	87%	85%	65%
Dental Hygienist	93%	89%	78%	89%

The Public Health Dental Program is housed within the DOH Division of Community Health Promotion.²⁵ The program leads the DOH's efforts to improve and maintain the oral health of all persons in Florida. The program has four primary functions:

- Providing a statewide direction for policy related to oral health issues;
- Promoting and administering oral health education and preventive dental programs;
- Collecting and analyzing data on oral health; and
- Supporting the provision of direct dental care services through the county health departments (CHD) and other public and private organizations.²⁶

The Public Health Dental Program works with the DOH Office of Information Technology and the DOH Division of Medical Quality Assurance (MQA) every two years to administer the survey. The program develops the survey questions with the assistance of CHD's which are approved by DOH leadership. Then MQA dental staff administers the survey. The DOH then links demographic information from the MQA licensure data base via unique identifiers so that results can be stratified by age, gender, and race/ethnicity. The data files are stored on the DOH secure network drives for data analysis. The reports, published on the DOH website,²⁷ contain only summary (aggregate) information.

²² Section 119.15(7), F.S.

²³ Florida Department of Health, *Response to Open Government Sunset Review Questionnaire* (Aug. 1, 2018), at p. 2 (on file with the Senate Committee on Health Policy).

²⁴ *Id.* The Public Health Dental Program recently received the data from the 2017-2018 reporting period but has not published those data as of this writing.

²⁵ Section 381.0052, F.S.

²⁶ The Department of Health, *Dental Health, Division of Community Health Promotion, Public Health Dental Program*, Available at <http://www.floridahealth.gov/programs-and-services/community-health/dental-health/index.html> (last visited Dec. 14, 2018).

²⁷ The Department of Health, Programs and Services, Community Health, Reports, *Work Force Reports – Dentist and Hygienist*, available at <http://www.floridahealth.gov/programs-and-services/community-health/dental-health/reports/index.html> (last visited Dec. 14, 2018).

In 2018, the Public Health Dental Program used the 2015-2016 survey information in a federal grant application to support programs to address Florida's dental workforce needs, particularly in health professional shortage areas.²⁸

While reporting that no personal information gathered in the surveys has yet been requested, the DOH recommends reenacting the public records exemption to encourage dentists and dental hygienists to voluntarily participate in the survey to better measure public health needs and resources relating to the dentistry workforce.²⁹ Unlike dentists and dental hygienists, medical and osteopathic physicians are *required* to respond to a workforce survey as a condition of license renewal,³⁰ and all personal identifying information contained in records provided by physicians in response to the survey is confidential and exempt.³¹

Section 466.051, F.S., created a public records exemption in 2014 for dental workforce surveys similar to the one for physicians. The exemption for physician workforce surveys made disclosure of the information to research entities mandatory when the research entity has complied with specified conditions.³² Under the public records exemption for dental workforce surveys, however, the DOH is authorized, but not required, to disclose such information to research entities under certain parameters. Research entities to which dental workforce survey information has been disclosed are prohibited from releasing identifying information and are limited to the use of the records or data for approved research protocols only.

Information Protected from Disclosure

Section 466.051, F.S., specifically provides that all personal identifying information contained in records provided by dentists or dental hygienists licensed under ch. 466, F.S., in response to a dental workforce survey and held by the DOH, are confidential and exempt³³ from public records requirements. However, the DOH must disclose the information under the following circumstances:

- With the express written consent of the person who is identified or the person's legally authorized representative; or
- By court order upon a showing of good cause.

In addition, the DOH may disclose the information to a research entity, if the entity:

²⁸ See note 23.

²⁹ Florida Department of Health, *Response to Open Government Sunset Review Questionnaire* (Aug. 1, 2018), at p. 4 (on file with the Senate Committee on Health Policy). The first dental workforce survey was administered in 2010 to be reflective of the dental workforce in Florida for the preceding 2 years (2009 and 2010).

³⁰ See ss. 458.3191 and 459.0081, F.S.

³¹ See ss. 458.3193 and 459.0083, F.S.

³² Section 458.3193(3), F.S.

³³ FLA. CONST. art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances (see *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (see Attorney General Opinion 85-62, August 1, 1985).

- Seeks the record or data pursuant to a research protocol approved by the DOH;
- Maintains the records in accordance with the protocol; and
- Enters into a purchase and data-use agreement with DOH. The agreement must restrict the release of information that would identify individuals, limit the use of records or data to the approved research protocol, and prohibit any other use of the records or data.

Section 466.051, F.S., authorizes the DOH to deny a research entity's request if the protocol provides for intrusive follow-back contacts, does not plan for the destruction of confidential records after the research has concluded, is administratively burdensome, or does not have scientific merit.

Section 466.051, F.S., provides for repeal of the exemption pursuant to the OGSR on October 2, 2019, unless reviewed and saved from repeal by the Legislature. The statute also provides a statement of public necessity as required by the Florida Constitution.³⁴ The statement finds that preserving the confidentiality of the information will result in more participation and candid responses to the surveys, which, in turn, are important to addressing the availability and areas of need for the dental workforce in Florida.³⁵

III. Effect of Proposed Changes:

SPB 7000 saves from repeal the public records exemption in s. 466.051, F.S., which makes confidential and exempt from s. 119.07(1), F.S., and s. 24, Art. I, of the State Constitution, personal identifying information held by the DOH that is contained in records provided by a licensed dentist or dental hygienist in response to a dental workforce survey.

The effective date of the bill is October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

³⁴ FLA CONST. art 1, s. 24(c).

³⁵ Chapter 2014-78, s. 2, Laws of Fla.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 461.051(2) of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Health Policy

588-00356-19

20197000pb

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 466.051, F.S., relating to an exemption from the public records requirements for personal identifying information contained in dental workforce surveys held by the Department of Health; removing the scheduled repeal of the exemption; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 466.051, Florida Statutes, is amended to read:

466.051 Confidentiality of certain information contained in dental workforce surveys.—

~~(1)~~ Personal identifying information that is contained in a record provided by a dentist or dental hygienist licensed under this chapter in response to a dental workforce survey and held by the Department of Health is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Personal identifying information in such a record:

(1) ~~(a)~~ Shall be disclosed with the express written consent of the individual to whom the information pertains or the individual's legally authorized representative.

(2) ~~(b)~~ Shall be disclosed by court order upon a showing of good cause.

(3) ~~(c)~~ May be disclosed to a research entity, if the entity seeks the records or data pursuant to a research protocol approved by the Department of Health, maintains the records or

588-00356-19

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30 data in accordance with the approved protocol, and enters into a
31 purchase and data-use agreement with the department, the fee
32 provisions of which are consistent with s. 119.07(4). The
33 department may deny a request for records or data if the
34 protocol provides for intrusive follow-back contacts, does not
35 plan for the destruction of the confidential records after the
36 research is concluded, is administratively burdensome, or does
37 not have scientific merit. The agreement must prohibit the
38 release of information by the research entity which would
39 identify individuals, limit the use of records or data to the
40 approved research protocol, and prohibit any other use of the
41 records or data. Copies of records or data issued pursuant to
42 this subsection ~~paragraph~~ remain the property of the department.

43 ~~(2) This section is subject to the Open Government Sunset~~
44 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
45 ~~on October 2, 2019, unless reviewed and saved from repeal~~
46 ~~through reenactment by the Legislature.~~

47 Section 2. This act shall take effect October 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/7/2019
Meeting Date

SPB 7000
Bill Number (if applicable)

Topic OGSR / Dental Workforce Surveys

Amendment Barcode (if applicable)

Name Alexandra Abboud

Job Title Gov. Affairs Liaison

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Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Florida Dental Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Policy Committee

BILL: SPB 7002

INTRODUCER: Health Policy Committee

SUBJECT: OGSR/Public Records and Meetings/Alzheimer's Disease Research Grant Advisory Board

DATE: January 7, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	HP Submitted as Comm. Bill/Fav
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

I. Summary:

SPB 7002 amends s. 381.82(3)(d), F.S., to save from repeal the public records exemptions for information related to the Alzheimer's Disease Research Grant Advisory Board's (the board) receipt and review of research grant applications. The documents received, and those generated by the board during the review process, except final recommendations, are designated as confidential and exempt but may be disclosed under certain circumstances.

Section 381.82(3)(d), F.S., also exempts from the public meetings laws those portions of the board's meetings at which the grant applications are discussed.

The exemptions are subject to the Open Government Sunset Review Act (OGSR) and will stand repealed on October 2, 2019, unless reviewed and reenacted by the Legislature.

The bill takes effect October 1, 2019.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.² In addition to the Florida Constitution, the Florida Statutes provide that the public may access

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that:

[i]t is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements by passing a general law by a two-thirds vote of each of the House and the Senate.⁹ The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰ A statutory exemption, which does not meet these two criteria, may be unconstitutional and may not be judicially saved.¹¹

When creating a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”¹² Records designated “confidential and exempt” may be released by the records custodian only under the circumstances defined by the Legislature.

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹² If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹³

Open Meetings Laws

The Florida Constitution also provides that the public has a right to access governmental meetings.¹⁴ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.¹⁵ This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.¹⁶

Public policy regarding access to government meetings is also addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law,”¹⁷ or the “Sunshine Law,”¹⁸ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken, to be open to the public.¹⁹ The board or commission must provide the public reasonable notice of such meetings.²⁰ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status, or which operates in a manner that unreasonably restricts the public’s access to the facility.²¹ Minutes of a public meeting must be promptly recorded and open to public inspection.²²

Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.²³ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.²⁴

The Legislature may create an exemption to open meetings requirements by passing a general law by at least a two-thirds vote of both the Senate and the House of Representatives.²⁵ The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.²⁶ A statutory

¹³ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁴ FLA. CONST. art. I, s. 24(b).

¹⁵ *Id.*

¹⁶ FLA. CONST. art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

¹⁷ *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

¹⁸ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

¹⁹ Section 286.011(1)-(2), F.S.

²⁰ *Id.*

²¹ Section 286.011(6), F.S.

²² Section 286.011(2), F.S.

²³ Section 286.011(1), F.S.

²⁴ Section 286.011(3), F.S.

²⁵ FLA. CONST. art. I, s. 24(c).

²⁶ *Id.*

exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.²⁷

Open Government Sunset Review Act

The OGSR prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.²⁸ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.²⁹ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³⁰ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;³¹
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³² or
- It protects trade or business secrets.³³

The OGSR also requires specified questions to be considered during the review process.³⁴ In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.³⁵ If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature

²⁷ *Supra*, note 11.

²⁸ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

²⁹ Section 119.15(3), F.S.

³⁰ Section 119.15(6)(b), F.S.

³¹ Section 119.15(6)(b)1., F.S.

³² Section 119.15(6)(b)2., F.S.

³³ Section 119.15(6)(b)3., F.S.

³⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

³⁵ FLA. CONST. art. I, s. 24(c).

allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.³⁶

Ed and Ethel Moore Alzheimer's Disease Research Program

Section 381.82(1), F.S., created the Ed and Ethel Moore Alzheimer's Disease Research Program in 2014 to fund research to help prevent or cure Alzheimer's disease. Awards must be made through a competitive, peer-reviewed process in any of the following categories:

- Investigator-initiated research;
- Institutional research;
- Predoctoral and postdoctoral research fellowships; and
- Collaborative research.

Section 381.82(3), F.S., creates an 11-member board to provide the State Surgeon General input on the scope of the research program and its recommendations for proposals to be funded. The State Surgeon General, in turn, awards grants, after consulting with the board, on the basis of scientific merit. The board may also advise on program priorities, assist in developing linkages with nonacademic entities, and develop and provide oversight of mechanisms for disseminating research results.

Applicants must apply through an online system that includes the following items of information:

- Principal Investigator information: name, address, telephone number, email address, suffix/academic or professional title, institution name, and mailing address;
- Names of other research personnel;
- Name, address, telephone number, and email address of the Sponsored Research Official;
- Lead organization;
- Collaborating institutions and collaborating research personnel, if any;
- Project information, including descriptive title of proposed research, research priority area, grant category, grant funds requested, general audience abstract, scientific abstract, research site, survey instruments, and disclosure of research activities involving human subjects, vertebrate animals, recombinant DNA molecules, and stem cells;
- Key words;
- Collaborator information;
- Signed approval letter from the Principal Investigator's Office of Sponsored Research;
- Budget and budget narrative; and
- Biographical sketch.³⁷

The board holds an annual, in-person meeting to review and select the grant proposals by December 15 of each year to be recommended to the state surgeon general for funding.³⁸ Those

³⁶ Section 119.15(7), F.S.

³⁷ The Department of Health, *Open Government Sunset Review Questionnaire*, (Aug. 6, 2018), at p. 2 (on file with the Senate Committee on Health Policy).

³⁸ The Department of Health, Provider and Partner Resources, *Alzheimer's Disease Research Grant Advisory Board*, available at: <http://www.floridahealth.gov/%5C/provider-and-partner-resources/adrgab/index.html> (last visited Dec. 17, 2018).

portions of the meeting are “closed” and exempt from public meeting requirements. The records generated by the board relating to review of the grant applications are also exempt from public records law and may include:

- A recommended list of research grants to receive funding;³⁹
- Assessment of Alzheimer’s disease relatedness;
- Health impact;
- Budget request and narrative; and
- Research category.⁴⁰

Other responsibilities of the board may include, but are not limited to, providing advice on program priorities and emphases; assisting in the development of appropriate linkages to nonacademic entities, such as voluntary organizations, health care delivery institutions, industry, government agencies, and public officials; and developing and providing oversight regarding mechanisms for the dissemination of research results.⁴¹

The board reports annually to the Governor, President of the Senate, Speaker of the House of Representatives, and the State Surgeon General on elements of the program’s implementation, its impact on leveraging additional funding, progress towards its goals, and recommendations to further its mission.⁴² The annual meetings are not publicly noticed. The only information discussed during the meetings pertains to the research grant applications for the purpose of selecting the list of recommended grant recipients. Meeting minutes of those discussions are not drafted.⁴³

Section 381.82(3)(d), F.S., creates a public records exemption for grant applications submitted to the board and the records generated by the board during its review, except the final recommendations. The information is confidential and exempt.⁴⁴ The records may be released, however, with the express written consent of the person to whom the information pertains or the person’s legally authorized representative, or by court order upon a showing of good cause.

Section 381.82(3)(d), F.S., also provides that those portions of the board’s meetings at which the grant applications are discussed are exempt from the public meetings law. The statute requires that the closed portions of the meetings be recorded, and the recordings may be released under the same circumstances as apply to the exempt records.

While the Department of Health (DOH) has not received any requests for exempt records or meeting recordings from 2014 through the present, related to the Ed and Ethel Moore Alzheimer’s Disease Research Grant Program, the public record and public meeting exemption ensures that the Principal Investigators’ personal information is kept confidential, personal reputation is protected, and that the integrity of the research is not compromised. Research grants

³⁹ See note 1. This list with peer review scores and abstracts is forwarded to the state surgeon general for finalizing the research grant awards.

⁴⁰ See note 1.

⁴¹ See note 2.

⁴² *Id.*

⁴³ See note 1, at p. 4.

⁴⁴ There is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. See *supra* note 9.

awarded through this program often include proprietary information such as information relating to patents, investigational new drugs, and investigational new equipment. The exemptions enable the board to openly discuss and evaluate each research grant submitted. The DOH requests the reenactment of the exemption.⁴⁵

Section 381.82(3)(d), F.S., provides for the repeal of the exemptions pursuant to the OGSR on October 2, 2019, unless reviewed and saved from repeal by the Legislature.

III. Effect of Proposed Changes:

SPB 7002 saves from repeal the public records exemption in s. 381.82(3)(d), F.S., which makes confidential and exempt from s. 119.07(1), F.S., and s. 24, art. I, of the State Constitution public disclosure, grant applications and supporting documentation provided to the board for Alzheimer's disease research, and any records generated by the board relating to review of such applications, except final recommendations.

SPB 7002 also saves from repeal the public meeting exemption in s. 381.82(3)(d), F.S., which makes confidential and exempt from s. 119.07(1), F.S., and s. 24, art. I, of the State Constitution public disclosure, those closed portions of a meeting of the board during which applications for Alzheimer's disease research grants are discussed.

The effective date of the bill is October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

⁴⁵ The Department of Health, *Open Government Sunset Review Questionnaire*, (Aug. 6, 2018), at p. 2 (on file with the Senate Committee on Health Policy).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 481.82(3)(d), Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Health Policy

588-00355-19

20197002pb

A bill to be entitled
An act relating to a review under the Open Government
Sunset Review Act; amending s. 381.82, F.S., relating
to an exemption from the public records and meeting
requirements for applications provided to the
Alzheimer's Disease Research Grant Advisory Board
within the Department of Health and the review of such
applications; removing the scheduled repeal of the
exemption; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) of subsection (3) of section
381.82, Florida Statutes, is amended to read:

381.82 Ed and Ethel Moore Alzheimer's Disease Research
Program.—

(3) There is created within the Department of Health the
Alzheimer's Disease Research Grant Advisory Board.

(d)1. Applications provided to the board for Alzheimer's
disease research grants under this section, and any records
generated by the board relating to review of such applications,
except final recommendations, are confidential and exempt from
s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. Those portions of a meeting of the board during which
applications for Alzheimer's disease research grants under this
section are discussed are exempt from s. 286.011 and s. 24(b),
Art. I of the State Constitution. The closed portion of a
meeting must be recorded. The recording shall be maintained by
the board and shall be subject to disclosure in accordance with

588-00355-19

20197002pb

subparagraph 3.

3. Information that is held confidential and exempt under this paragraph may be disclosed with the express written consent of the individual to whom the information pertains or the individual's legally authorized representative, or by court order upon a showing of good cause.

~~4. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2019.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Policy Committee

BILL: SPB 7004

INTRODUCER: Health Policy Committee

SUBJECT: OGSR/Public Records/Identifying Information of Personnel of Department of Health

DATE: January 7, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	HP Submitted as Comm. Bill/Fav
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

I. Summary:

SPB 7004 amends s. 119.071(4)(d)2.o., F.S., a public records exemption for certain personal identification and location information of the Department of Health (DOH) personnel, their spouses, and children. The exemption applies to records of personnel whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints against health care practitioners, or the inspection of health care practitioners or health care facilities.

The exemption is subject to the Open Government Sunset Review Act (OGSR) and will stand repealed on October 2, 2019, unless saved from repeal by the Legislature.

The bill takes effect October 1, 2019.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.² In addition to the Florida Constitution, the Florida Statutes provide that the public may access

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that

[i]t is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements by passing a general law by a two-thirds vote of each of the House and the Senate.⁹ The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.¹¹

When creating a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”¹² Records designated as “confidential and exempt” may be released by the records custodian only under the circumstances defined by the Legislature.

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id.*

¹¹ *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹² If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹³

Open Government Sunset Review Act

The OGSR prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹⁴ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁵ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁶ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;¹⁷
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;¹⁸ or
- It protects trade or business secrets.¹⁹

The OGSR also requires specified questions to be considered during the review process.²⁰ In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

¹³ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁴ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

¹⁵ Section 119.15(3), F.S.

¹⁶ Section 119.15(6)(b), F.S.

¹⁷ Section 119.15(6)(b)1., F.S.

¹⁸ Section 119.15(6)(b)2., F.S.

¹⁹ Section 119.15(6)(b)3., F.S.

²⁰ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

Public Records Exemptions for Agency Personnel Identification and Location Information

Current law provides public records exemptions for identification and location information of certain current or former government personnel and their spouses and children.²¹ Categories of personnel covered by these exemptions include:

- Law enforcement, including correctional, and specified investigatory personnel;
- Firefighters;
- Justices and judges;
- Local and statewide prosecuting attorneys;
- Magistrates, administrative law judges, and child support hearing officers;²²
- Local government agency and water management district human resources administrators;
- Code enforcement officers;
- Guardians ad litem;²³
- Specified Department of Juvenile Justice personnel;
- Public defenders and criminal conflict and civil regional counsel;
- Investigators or inspectors of the Department of Business and Professional Regulation; and
- County tax collectors.

Although the types of exempt information vary, the following information is exempt²⁴ from public records requirements for all personnel listed above:

- Home addresses and telephone numbers²⁵ of the named personnel;
- Home addresses, telephone numbers, and places of employment of the spouses and their children; and
- Names and locations of schools and day care facilities attended by their children.

If exempt information is held by an agency²⁶ that is not the employer of the protected person, he or she must submit a written request to that agency to maintain the public records exemption.²⁷

²¹ See s. 119.071(4)(d), F.S.

²² See s. 119.071(4)(d)2.e., F.S. This exemption applies only if the magistrate, administrative law judge, or child support hearing officer provides a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public.

²³ See s. 119.071(4)(d)2.h., F.S. This exemption applies only if the guardian ad litem provides a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public. A guardian ad litem may be a public employee, volunteer, or contract or appointed attorney. See s. 39.820(1), F.S.

²⁴ See *supra* note 6.

²⁵ The term “telephone numbers” includes home, personal cellular, and personal pager telephone numbers, and telephone numbers associated with personal communications devices. See s. 119.071(4)(d)1., F.S.

²⁶ Section 119.011(2), F.S., defines “agency” to mean any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

²⁷ Section 119.071(4)(d)3., F.S.

Department of Health

Regulation of Professions

The DOH is responsible for licensing and regulating health care practitioners in order to preserve the health, safety, and welfare of the public.²⁸ Practitioner regulation is conducted by the Division of Medical Quality Assurance (MQA) and includes the following professions:

- Emergency Medical Technicians and Paramedics (part III of ch. 401, F.S.);
- Acupuncture (ch. 457, F.S.);
- Allopathic Medicine, (ch. 458, F.S.);
- Osteopathic Medicine, (ch. 459, F.S.);
- Chiropractic Medicine, (ch. 460, F.S.);
- Podiatric Medicine (ch. 461, F.S.);
- Naturopathy (ch. 462, F.S.);
- Optometry (ch. 463, F.S.);
- Nursing, including Certified Nursing Assistants (ch. 464, F.S.);
- Pharmacy (ch. 465, F.S.);
- Dentistry (ch. 466, F.S.);
- Midwifery (ch. 467, F.S.);
- Speech-Language Pathology and Audiology (part I of ch. 468, F.S.);
- Nursing Home Administration (part II of ch. 468, F.S.);
- Occupational Therapy (part III of ch. 468, F.S.);
- Radiology (part IV of ch. 468, F.S.);
- Respiratory Therapy (part V of ch. 468, F.S.);
- Dietetics and Nutrition (part X of ch. 468, F.S.);
- Athletic Training (part XIII of ch. 468, F.S.);
- Orthotics, Prosthetics, and Pedorthics (part XIV of ch. 468, F.S.);
- Electrolysis (ch. 478, F.S.);
- Massage Therapy, (ch. 480, F.S.);
- Clinical Laboratory Personnel (part III of ch. 483, F.S.);
- Medical Physicists (part IV of ch. 483, F.S.);
- Opticianry (part I of ch. 484, F.S.);
- Hearing Aid Specialists (part II of ch. 484, F.S.);
- Physical Therapy Practice (ch. 486, F.S.);
- Psychology (ch. 490, F.S.); and
- Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (ch. 491, F.S.).

The following facilities are also regulated or inspected by MQA:²⁹

- Body Piercing Establishments (s. 381.0075, F.S.);
- Brain and Spinal Cord Injury Programs (ss. 381.739 - 381.79, F.S.);
- Counterfeit-proof Prescription Vendors (s. 456.42(2), F.S.);

²⁸ Section 20.43(1)(g), F.S.

²⁹ Other entities regulated by the DOH, although not the MQA, include tanning facilities, X-ray sites, and radioactive materials users, among others.

- Dental Laboratories (ch. 466, F.S.);
- Electrology Facilities (ch. 478, F.S.);
- Electrolysis Training Programs (ch. 478, F.S.);
- EMS Education Programs (ch. 401, F.S.);
- EMS Vehicle Permittees (ch. 401, F.S.);
- Environmental Testing Laboratories (s. 403.0625, F.S.);
- Massage Establishments (ch. 480, F.S.);
- Massage Schools (ch. 480, F.S.);
- Nursing Education Programs (ch. 464, F.S.);
- Office Surgery Sites (ch. 458 and ch. 459, F.S.);
- Optical Establishments (part I of ch. 484, F.S.);
- Pain Management Clinics (ch. 458 and ch. 459, F.S.);
- Pharmacies (ch. 465, F.S.); and
- Trauma Centers (part II of ch. 395, F.S.).

As part of its enforcement responsibilities, the DOH investigates complaints against health care practitioners. It must investigate any complaint that is written, signed by the complainant,³⁰ and legally sufficient,³¹ and may initiate an investigation if it believes a violation of law or rule has occurred. Such an investigation may result in an administrative case against the health care practitioner's license.³² The DOH also has a duty to notify the proper prosecuting authority when there is a criminal violation of any statute related to the practice of a profession regulated by the DOH.³³

The Consumer Services Unit (CSU) within MQA is the central intake for all complaints. The CSU includes investigators and analysts assigned to specific professions. Staff reviews each complaint for possible violations of laws and rules and forwards only those complaints that are legally sufficient for investigation.³⁴

The Investigative Services Unit (ISU) is the investigative arm of MQA. Generally, an investigation includes the following steps:

- Obtaining medical records, documentation, and evidence related to the complaint;
- Locating and interviewing the complainant, the patient, the subject, and any witnesses;

³⁰ The DOH may investigate an anonymous complaint or a complaint by a confidential informant if the alleged violation of law or rule is substantial and the DOH has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. *See* s. 456.073(1), F.S.

³¹ A complaint is legally sufficient if it contains ultimate facts that show a violation of ch. 456, F.S., of any of the practice acts relating to the professions regulated by the DOH, or of any rule adopted by the DOH or one of its regulatory boards has occurred. *See* s. 456.073(1), F.S.

³² Upon completion of an investigation, the DOH must submit a report to the probable cause panel of the appropriate regulatory board. *See* s. 456.073(2), F.S. If the probable cause panel finds that probable cause exists, it must direct the DOH to file a formal administrative complaint against the licensee. If the DOH declines to prosecute the complaint because it finds that probable cause has been improbably found by the panel, the regulatory board may still pursue and prosecute an administrative complaint. *See* s. 456.073(4), F.S.

³³ Section 456.066, F.S.

³⁴ Florida Department of Health, *Consumer Services*, (last modified May 25, 2017), available at <http://www.floridahealth.gov/licensing-and-regulation/enforcement/admin-complaint-process/consumer-services.html> (last visited Dec. 12, 2018).

- Drafting and serving subpoenas for necessary information; and
- Drafting the investigative report.

The ISU also conducts the required initial health care facility inspections before a facility begins operation and re-inspects on a periodic basis.³⁵

Disability Determinations

The Division of Disability Determinations (DDD) within DOH is responsible for making the determination of medical eligibility for disability benefits under the federal Social Security Administration (SSA) disability programs (Social Security Disability-Title II and Supplemental Security Income-Title XVI). The DDD is also responsible for the periodic Continuing Disability Review of all SSA disability beneficiaries to determine if they continue to meet medical eligibility criteria.

Applications for Social Security disability benefits are filed at the claimant's local SSA field office or online. The application is forwarded to the DDD for development, assessment, and determination of medical eligibility in accordance with Social Security regulations. All relevant medical evidence is procured from the claimant's medical sources.

If the medical evidence is insufficient for a determination, the DDD will arrange for a consultative examination targeted to the claimant's alleged disability. The claimant is also contacted for detailed information on activities of daily living, clarification of symptoms, work history, and other pertinent information.

After the claim file is documented and a determination of medical eligibility is made, the DDD prepares and releases notification of denial to the claimant, or the claim file is returned to the SSA for a final determination of technical (non-medical) eligibility and processing for any benefits due to the claimant.³⁶

Personal Identification and Location Information of DOH Personnel

Section 119.071(4)(d)2.o., F. S., created a public records exemption for identification and location information of certain current and former personnel of the DOH, their spouses, and their children. The exemption applies to records of those personnel whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints against health care practitioners, or the inspection of health care practitioners or health care facilities. The information that is exempt includes:

- The home addresses, telephone numbers, dates of birth, and photographs of the DOH personnel;
- The names, home addresses, telephone numbers, dates of birth, and places of employment of their spouses and children; and

³⁵ Florida Department of Health, *Investigative Services Unit Brochure*, (updated March 18, 2015) available at http://www.floridahealth.gov/licensing-and-regulation/enforcement/admin-complaint-process/_documents/isu-brochure.pdf (last visited Dec. 12, 2018).

³⁶ Social Security Disability Resource Center, *Applying for Disability in Florida*, available at: <https://www.ssdrc.com/state-florida-fl-getting-started.html> (last visited Dec. 17, 2018).

- The names and locations of schools and day care facilities attended by the children of the DOH personnel.

The DOH reports that it currently has 2,711 personnel that meet the criteria of s. 119.071(4)(d)2.o., F.S., and has received 210 public record requests for information about those personnel via phone, email, written, online, and in person since the statute's enactment. Exempt information has been released pursuant only to subpoena or court order, or if authorized by the individual with written consent and/or a signed disclosure form.

The DOH also indicates that the exemptions should continue for all listed personnel to ensure their safety in the workplace and prevent injury violence or harassment from disgruntled regulated individuals at home. The DOH further suggests an additional exemption for the same information for parents of listed personnel but does not sight any specific basis or need for the additional information exemption.³⁷

Section 119.071(4)(d)2.o., F.S., is subject to the OGSR and will stand repealed on October 2, 2019, unless saved from repeal by the Legislature.

III. Effect of Proposed Changes:

SPB 7004 saves from repeal the public records exemptions in s. 119.071(4)(d)2.o., F.S., which makes confidential and exempt from s. 119.07(1), F.S., and s. 24, Art. I of the State Constitution, the following agency personnel's information:

- The home addresses, telephone numbers, dates of birth, and photographs;
- The names, home addresses, telephone numbers, dates of birth, and places of employment of their spouses and children; and
- The names and locations of schools and day care facilities attended by the children of the DOH personnel.

The effective date of the bill is October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁷ The Department of Health, *Response to Open Government Sunset Review Questionnaire* (Aug. 13, 2018) (on file with the Senate Committee on Health Policy).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.071(4)(d)2.o., Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Health Policy

588-00354-19

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A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., relating to an exemption from the public records requirements for personal identifying and location information and photographs of certain Department of Health personnel; removing the scheduled repeal of the exemption; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term "telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn or civilian law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and

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personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative

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59 personnel of the Office of Financial Regulation's Bureau of
60 Financial Investigations whose duties include the investigation
61 of fraud, theft, other related criminal activities, or state
62 regulatory requirement violations; the names, home addresses,
63 telephone numbers, dates of birth, and places of employment of
64 the spouses and children of such personnel; and the names and
65 locations of schools and day care facilities attended by the
66 children of such personnel are exempt from s. 119.07(1) and s.
67 24(a), Art. I of the State Constitution. This sub-subparagraph
68 is subject to the Open Government Sunset Review Act in
69 accordance with s. 119.15 and shall stand repealed on October 2,
70 2022, unless reviewed and saved from repeal through reenactment
71 by the Legislature.

72 d. The home addresses, telephone numbers, dates of birth,
73 and photographs of current or former firefighters certified in
74 compliance with s. 633.408; the names, home addresses, telephone
75 numbers, photographs, dates of birth, and places of employment
76 of the spouses and children of such firefighters; and the names
77 and locations of schools and day care facilities attended by the
78 children of such firefighters are exempt from s. 119.07(1) and
79 s. 24(a), Art. I of the State Constitution. This sub-
80 subparagraph is subject to the Open Government Sunset Review Act
81 in accordance with s. 119.15, and shall stand repealed on
82 October 2, 2022, unless reviewed and saved from repeal through
83 reenactment by the Legislature.

84 e. The home addresses, dates of birth, and telephone
85 numbers of current or former justices of the Supreme Court,
86 district court of appeal judges, circuit court judges, and
87 county court judges; the names, home addresses, telephone

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88 numbers, dates of birth, and places of employment of the spouses
89 and children of current or former justices and judges; and the
90 names and locations of schools and day care facilities attended
91 by the children of current or former justices and judges are
92 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
93 Constitution. This sub-subparagraph is subject to the Open
94 Government Sunset Review Act in accordance with s. 119.15 and
95 shall stand repealed on October 2, 2022, unless reviewed and
96 saved from repeal through reenactment by the Legislature.

97 f. The home addresses, telephone numbers, dates of birth,
98 and photographs of current or former state attorneys, assistant
99 state attorneys, statewide prosecutors, or assistant statewide
100 prosecutors; the names, home addresses, telephone numbers,
101 photographs, dates of birth, and places of employment of the
102 spouses and children of current or former state attorneys,
103 assistant state attorneys, statewide prosecutors, or assistant
104 statewide prosecutors; and the names and locations of schools
105 and day care facilities attended by the children of current or
106 former state attorneys, assistant state attorneys, statewide
107 prosecutors, or assistant statewide prosecutors are exempt from
108 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

109 g. The home addresses, dates of birth, and telephone
110 numbers of general magistrates, special magistrates, judges of
111 compensation claims, administrative law judges of the Division
112 of Administrative Hearings, and child support enforcement
113 hearing officers; the names, home addresses, telephone numbers,
114 dates of birth, and places of employment of the spouses and
115 children of general magistrates, special magistrates, judges of
116 compensation claims, administrative law judges of the Division

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117 of Administrative Hearings, and child support enforcement
118 hearing officers; and the names and locations of schools and day
119 care facilities attended by the children of general magistrates,
120 special magistrates, judges of compensation claims,
121 administrative law judges of the Division of Administrative
122 Hearings, and child support enforcement hearing officers are
123 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
124 Constitution. This sub-subparagraph is subject to the Open
125 Government Sunset Review Act in accordance with s. 119.15 and
126 shall stand repealed on October 2, 2022, unless reviewed and
127 saved from repeal through reenactment by the Legislature.

128 h. The home addresses, telephone numbers, dates of birth,
129 and photographs of current or former human resource, labor
130 relations, or employee relations directors, assistant directors,
131 managers, or assistant managers of any local government agency
132 or water management district whose duties include hiring and
133 firing employees, labor contract negotiation, administration, or
134 other personnel-related duties; the names, home addresses,
135 telephone numbers, dates of birth, and places of employment of
136 the spouses and children of such personnel; and the names and
137 locations of schools and day care facilities attended by the
138 children of such personnel are exempt from s. 119.07(1) and s.
139 24(a), Art. I of the State Constitution.

140 i. The home addresses, telephone numbers, dates of birth,
141 and photographs of current or former code enforcement officers;
142 the names, home addresses, telephone numbers, dates of birth,
143 and places of employment of the spouses and children of such
144 personnel; and the names and locations of schools and day care
145 facilities attended by the children of such personnel are exempt

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146 from s. 119.07(1) and s. 24(a), Art. I of the State
147 Constitution.

148 j. The home addresses, telephone numbers, places of
149 employment, dates of birth, and photographs of current or former
150 guardians ad litem, as defined in s. 39.820; the names, home
151 addresses, telephone numbers, dates of birth, and places of
152 employment of the spouses and children of such persons; and the
153 names and locations of schools and day care facilities attended
154 by the children of such persons are exempt from s. 119.07(1) and
155 s. 24(a), Art. I of the State Constitution. This sub-
156 subparagraph is subject to the Open Government Sunset Review Act
157 in accordance with s. 119.15 and shall stand repealed on October
158 2, 2022, unless reviewed and saved from repeal through
159 reenactment by the Legislature.

160 k. The home addresses, telephone numbers, dates of birth,
161 and photographs of current or former juvenile probation
162 officers, juvenile probation supervisors, detention
163 superintendents, assistant detention superintendents, juvenile
164 justice detention officers I and II, juvenile justice detention
165 officer supervisors, juvenile justice residential officers,
166 juvenile justice residential officer supervisors I and II,
167 juvenile justice counselors, juvenile justice counselor
168 supervisors, human services counselor administrators, senior
169 human services counselor administrators, rehabilitation
170 therapists, and social services counselors of the Department of
171 Juvenile Justice; the names, home addresses, telephone numbers,
172 dates of birth, and places of employment of spouses and children
173 of such personnel; and the names and locations of schools and
174 day care facilities attended by the children of such personnel

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are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

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n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. ~~This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.~~

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner

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consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit

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department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(26). This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through

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reenactment by the Legislature.

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(1) and fulfills the screening requirement of s. 39.3035(2), and the members of a child protection team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. shall maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for maintenance of the exemption to the custodial agency.

4. The exemptions in this paragraph apply to information

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320 held by an agency before, on, or after the effective date of the
321 exemption.

322 Section 2. This act shall take effect October 1, 2019.

The Florida Medicaid Program

Beth Kidder
Deputy Secretary for Medicaid

Presented to:
Senate Health Policy Committee
January 7, 2019



Presentation Overview:

1. What is Medicaid?
2. What is Florida Medicaid?
3. The Statewide Medicaid Managed Care Program



The Medicaid Program

- Medicaid provides access to health care for low-income families and individuals and the disabled.
- Medicaid is a federal/ state partnership jointly financed by state and federal funds.
- Florida Medicaid program design:
 - Circumscribed by federal regulation, and
 - Formed at the direction of the Florida Legislature through Chapter 409.
- The Agency for Health Care Administration, Division of Medicaid, administers the Medicaid program for Florida.



Federal Requirements

- Congress and the federal government set basic mandatory requirements for all state Medicaid programs. These include:
 - Administrative requirements for states
 - Minimum coverage populations and services
 - Rules for receipt of federal matching funds
- The US Department of Health and Human Services, Centers for Medicare & Medicaid Services (CMS) is responsible for administering the Medicare and Medicaid programs.



Florida Statutes

- The Florida Medicaid Program is authorized by:
 - Chapter 409, Florida Statutes: Social & Economic Assistance
 - Part I: Social & Economic Assistance (ss. 409.016-409.5093)
 - Part II: KidCare (ss. 409.810-409.821)
 - Part III: Medicaid (ss. 409.901-409.9205)
 - Part IV: Medicaid Managed Care (ss. 409.961-409.985)
 - Part V: Community Based Child Welfare (ss. 409.986-409.997) – Chapter 59G, Florida Administrative Code, F.A.C.



Federal Mandatory Groups and Services

- What are “Mandatory” groups?
 - States must cover people in these groups up to federally defined income thresholds, but many states have expanded Medicaid beyond these thresholds, mainly for children.
- What are “Mandatory” Services?
 - States’ Medicaid programs must offer medical assistance for certain basic services to most eligible populations in order to receive federal matching funds.
- What are “Optional” Groups and Services?
 - States may choose to cover additional groups or add additional services, based on federal approval.




Mandatory and Optional Groups and Services

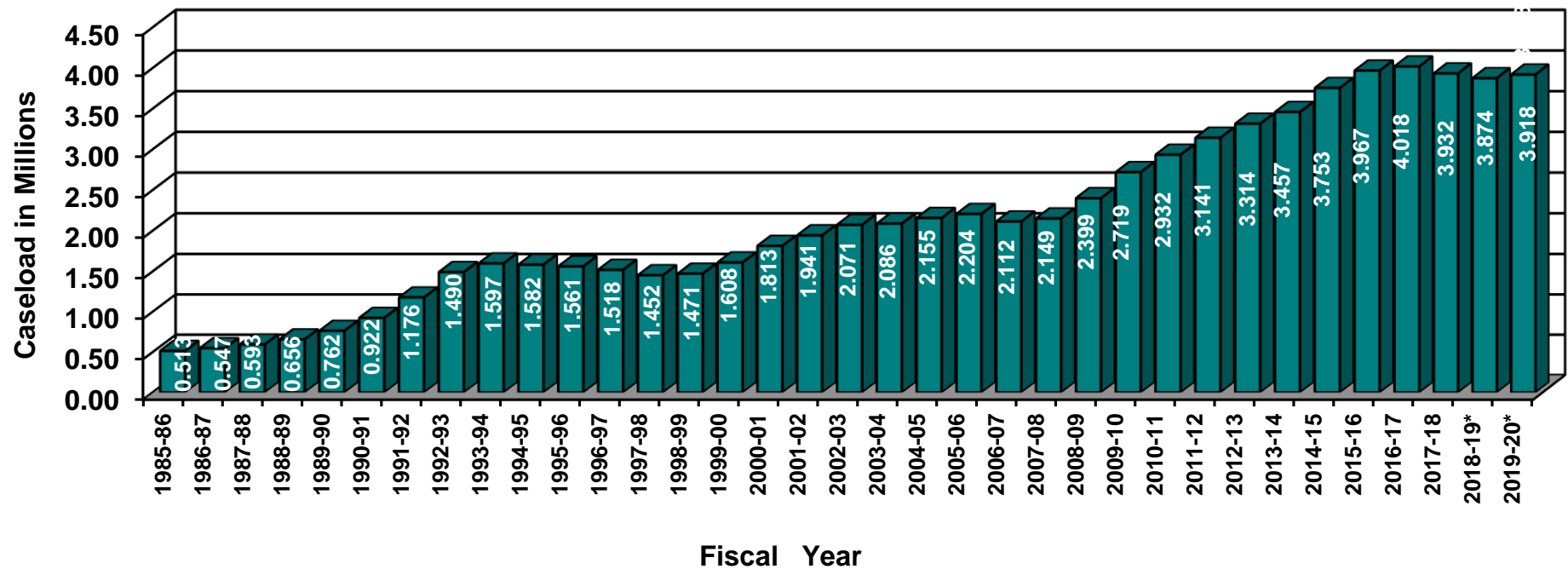
<i>Mandatory</i>		<i>Optional (... Some examples)</i>	
<i>Groups</i>	<i>Services</i>	<i>Groups</i>	<i>Services</i>
Low income: Children	Hospital (IP/OP)	Medically Needy	Adult preventive services
Low Income: Pregnant Women	Nursing facility	Children 19 and 20	Prescribed drugs
Low Income: Parents	Home health	Lawfully residing children during their first 5 years	DME
Low income: Seniors who are Medicare recipients	Physician		Clinic
Foster care/ former foster care to age 26	Rural health clinic		Rehabilitation and physical therapy services
SSI recipients	FQHC		
	Tobacco cessation counseling for pregnant women		
	Lab and X-ray		
	Family planning		
	Nurse midwife		
	Certified pediatric and family nurse practitioner		
	Freestanding birth center		
	Transportation to medical care		
	Early and Periodic Screening, Diagnostic, and Treatment Services for children (EPSDT)		



Florida Medicaid – A Snapshot

<p><i>Eligibles</i></p>	<ul style="list-style-type: none"> • Fourth largest Medicaid population in the nation. • Approximately 4 million Floridians enrolled in the Medicaid program: <ul style="list-style-type: none"> ○ 1.7 million adults - parents, aged and disabled ○ 47% of children in Florida. ○ 63% of birth deliveries in Florida. ○ 61% nursing home days in Florida.
<p><i>Expenditures</i></p>	<ul style="list-style-type: none"> • Fifth largest nationwide in Medicaid expenditures. • \$26.8 billion estimated expenditures in Fiscal Year 2017-18 <ul style="list-style-type: none"> ○ Federal-state matching program <ul style="list-style-type: none"> ○ 61.62% federal, 38.38% state. ○ Average spending: \$6,619 per eligible. • \$17.5 billion estimated expenditure for managed care in 2017-2018
<p><i>Delivery System</i></p>  <p>Better Health Care for All Floridians AHCA.MyFlorida.com</p>	<ul style="list-style-type: none"> • Statewide Medicaid Managed Care program implemented in 2013-2014 <ul style="list-style-type: none"> ○ Most of Florida's Medicaid population receives their services through a managed care delivery system.

Growth in Medicaid Average Monthly Caseload

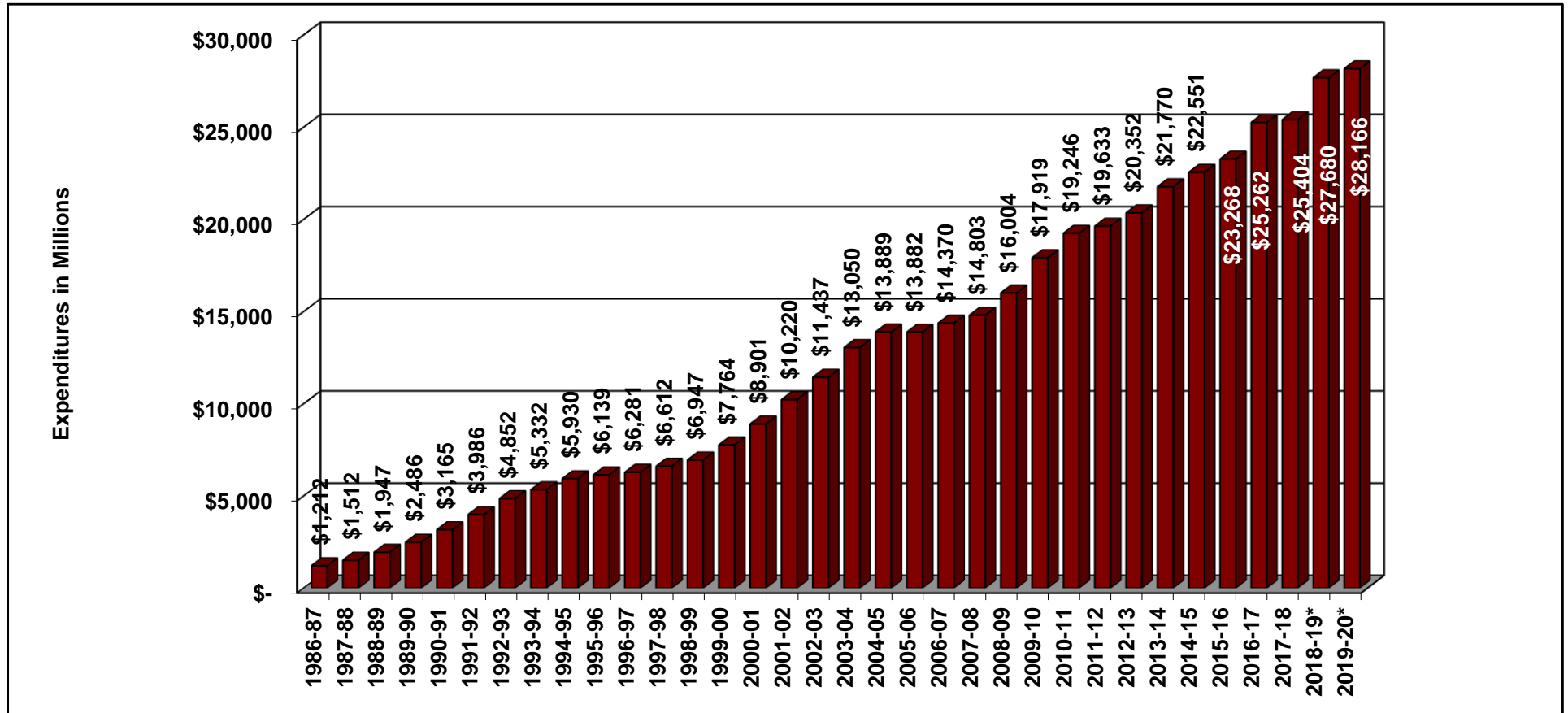


Source: Medicaid Services Eligibility Subsystem Reports.

*FY 2018-19, 2019-20 November 2018 Caseload Social Services Estimating Conference



Growth In Medicaid Service Expenditures



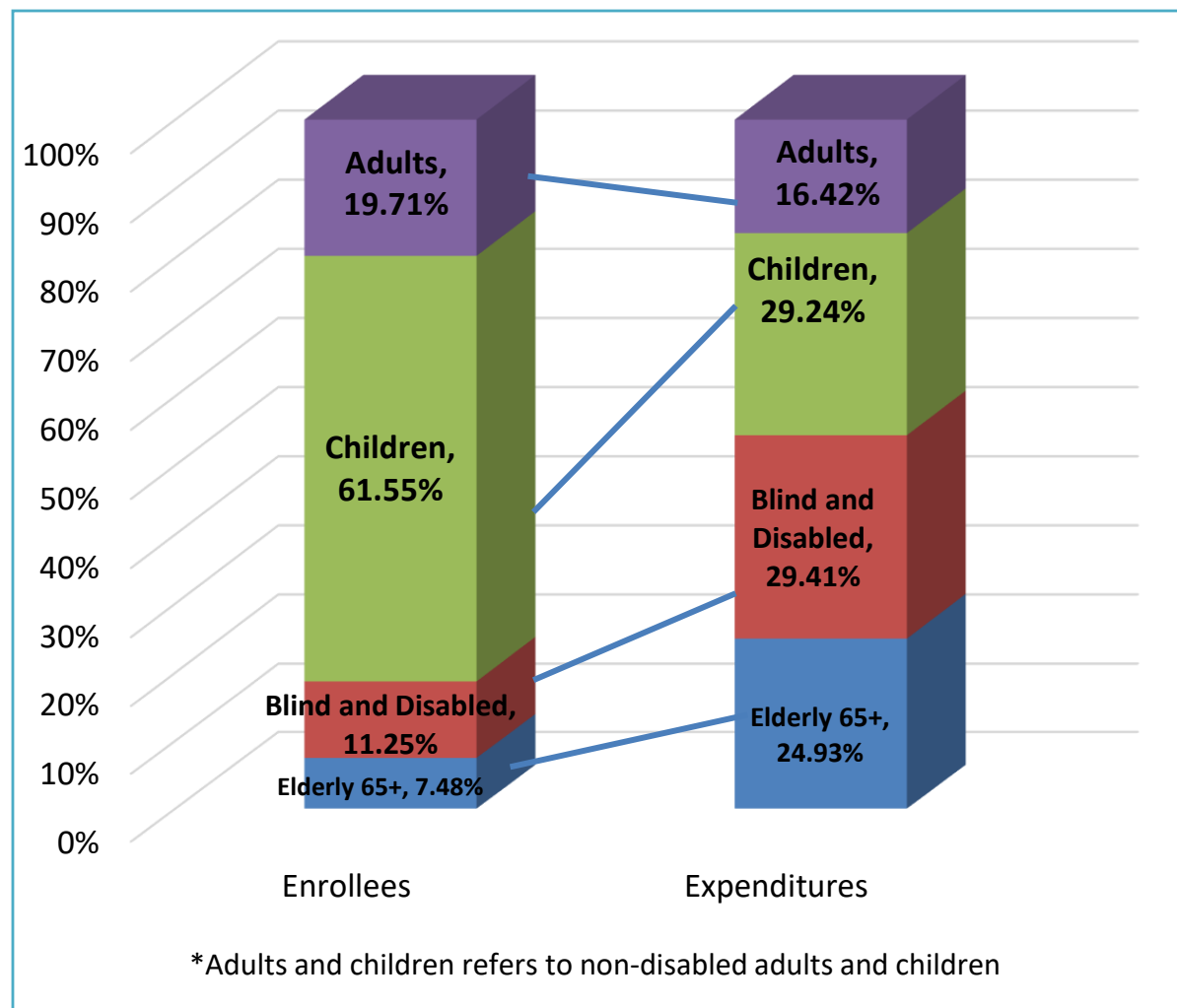
Source: Medicaid Services Budget Forecasting System Reports.

*FY 2018-19, 2019-20 December 2018 Social Services Estimating Conference.

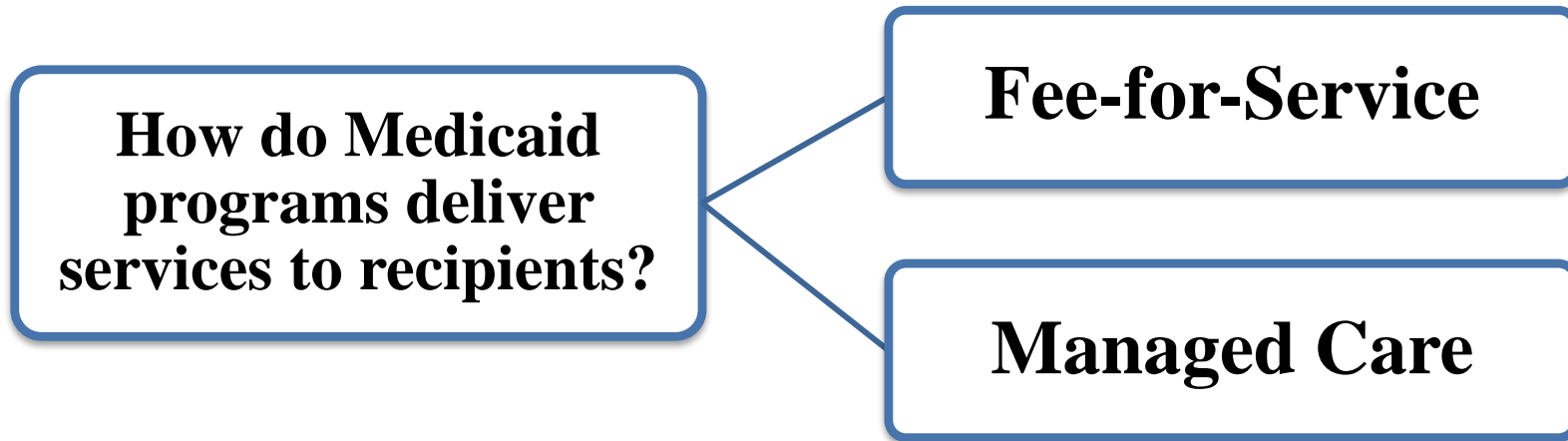


Florida Medicaid Program Expenditures

- Different populations have different impacts on program expenditures.
- In general, services provided to the elderly and people with disabilities cost more per person per month than services provided to children or healthy adults.



Medicaid Service Delivery Systems

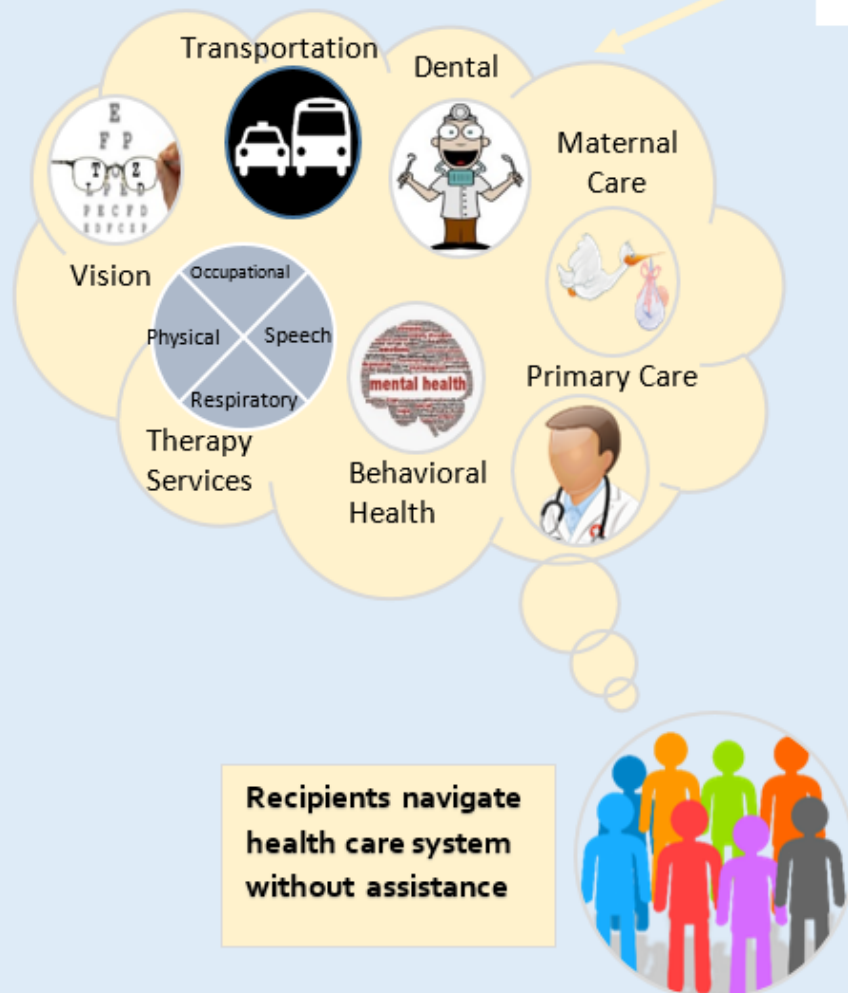


- States may choose from a number of different systems through which to deliver Medicaid services.
- The two main “delivery systems” are:
 - Fee-for-Service
 - Managed Care



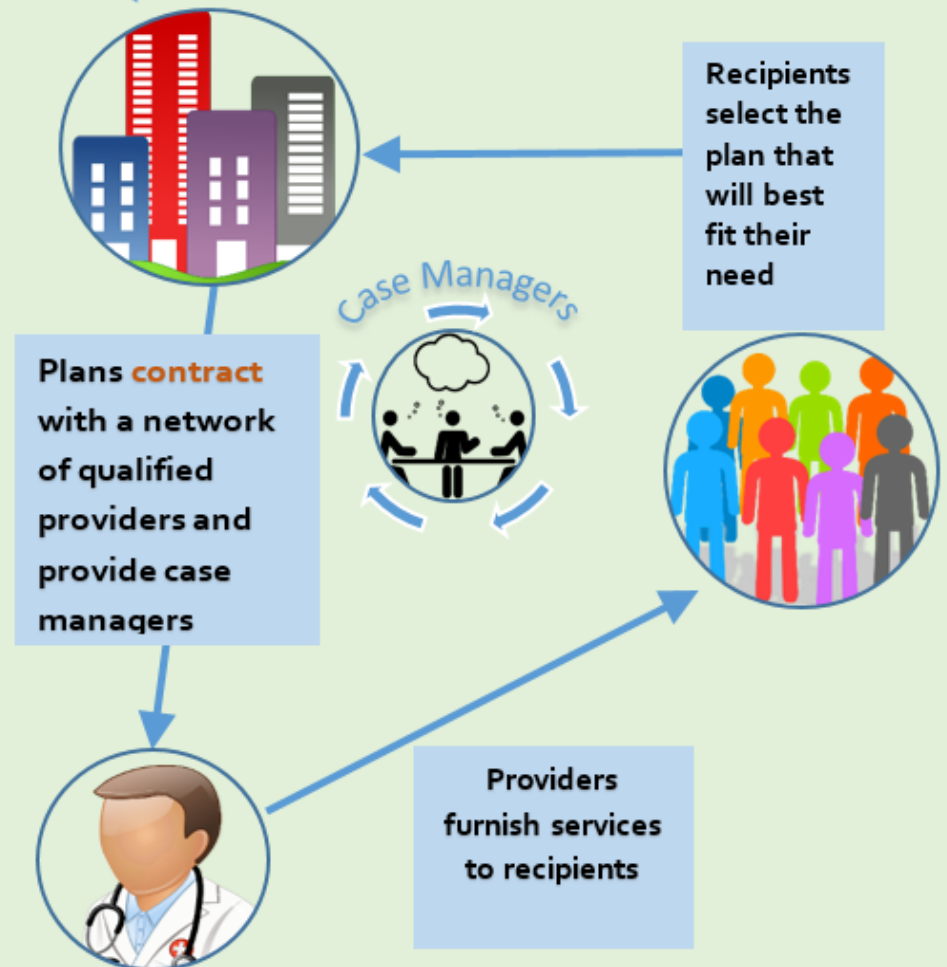
What is Fee-for-Service?

Agency pays providers directly for services rendered to recipients.

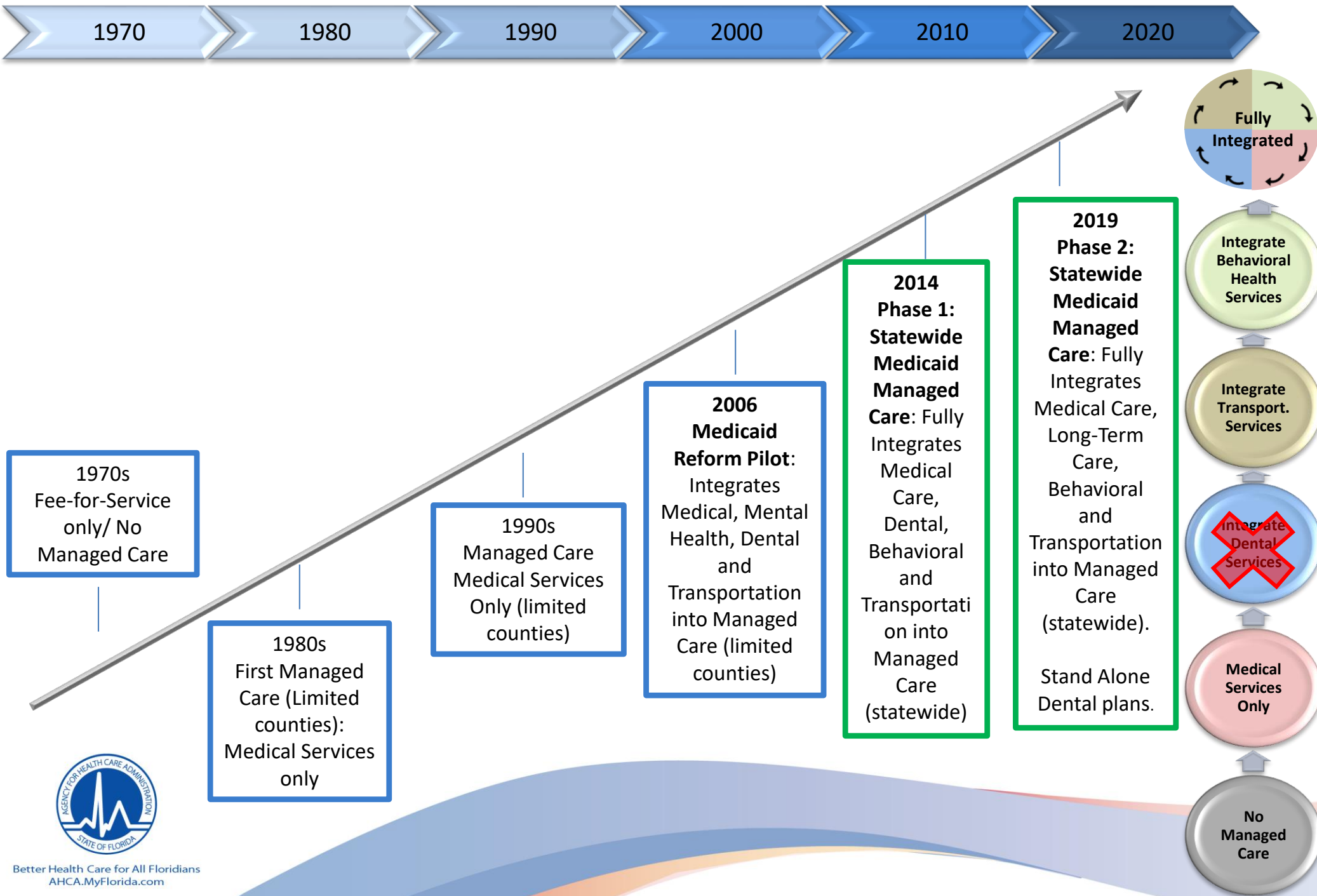


What is Managed Care?

Agency **contracts** with health plans and pays capitated payment



Evolution of Florida Medicaid Delivery System

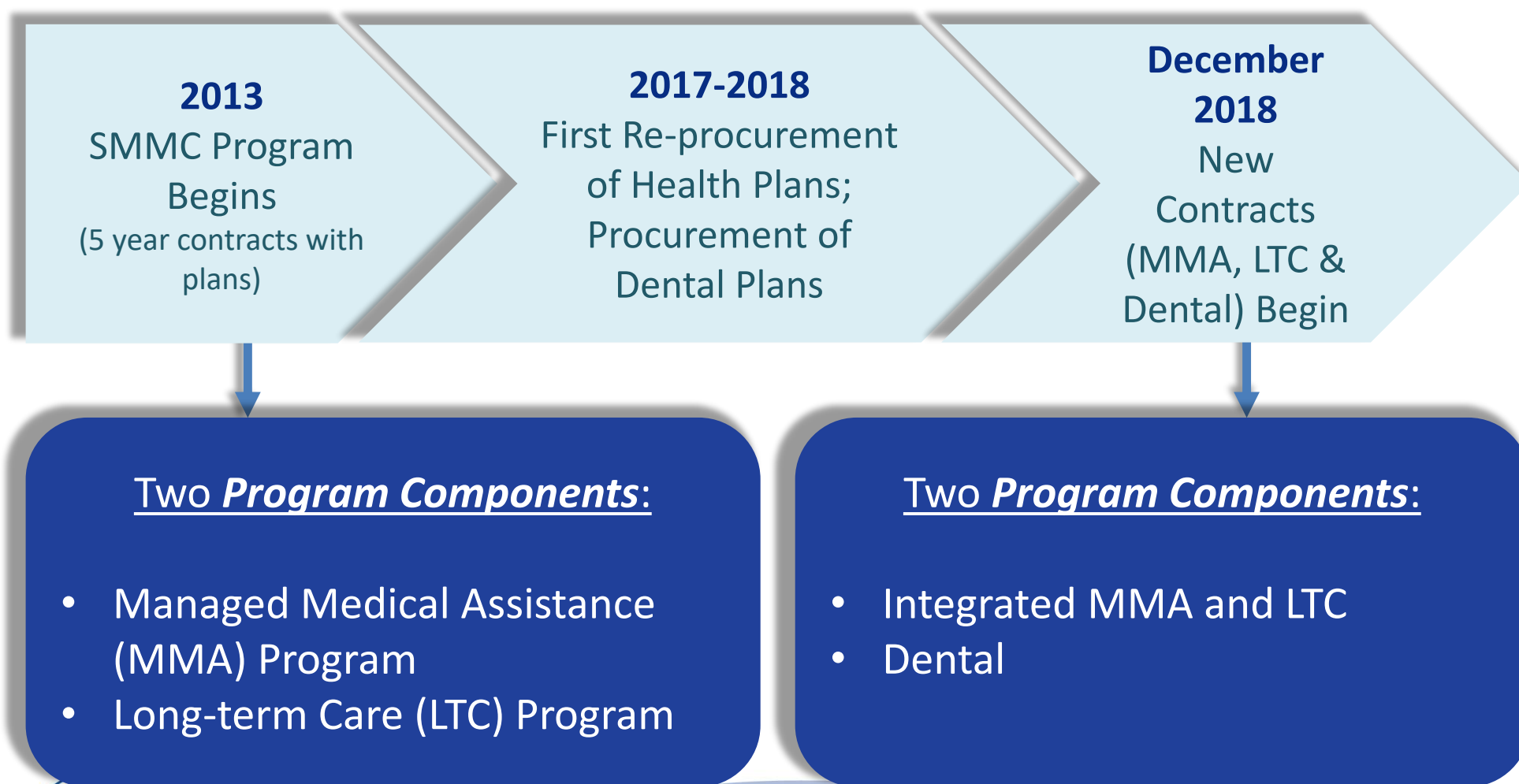


Florida Medicaid and The Statewide Medicaid Managed Care Program

- Since 2013-2014, most Florida Medicaid recipients have been required to enroll in the Statewide Medicaid Managed Care program (SMMC) to receive their services.
- The program has the following components:
 - **Managed Medical Assistance:** Medical services like doctor visits, hospital care, prescribed drugs, mental health care, and transportation to these services.
 - **Long-Term Care:** LTC services like care in a nursing facility, assisted living, or at home.
 - **Dental:** All Medicaid recipients who receive a dental benefit enroll in a dental plan.



What is Changing?



SMMC Plan Roll Out Schedule

SMMC Health and Dental Plan Roll-out Schedule

	<i>Transition Date</i>	<i>Regions Included</i>	<i>Counties</i>
Phase 1	December 1, 2018	9	Indian River, Martin, Okeechobee, Palm Beach, St. Lucie
		10	Broward
		11	Miami-Dade, Monroe
Phase 2	January 1, 2019	5	Pasco, Pinellas
		6	Hardee, Highlands, Hillsborough, Manatee, Polk
		7	Brevard, Orange, Osceola, Seminole
		8	Charlotte, Collier, DeSoto, Glades, Hendry, Lee, Sarasota
Phase 3	February 1, 2019	1	Escambia, Okaloosa, Santa Rosa, Walton
		2	Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, Washington
		3	Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee, Union
		4	Baker, Clay, Duval, Flagler, Nassau, St. Johns, Volusia



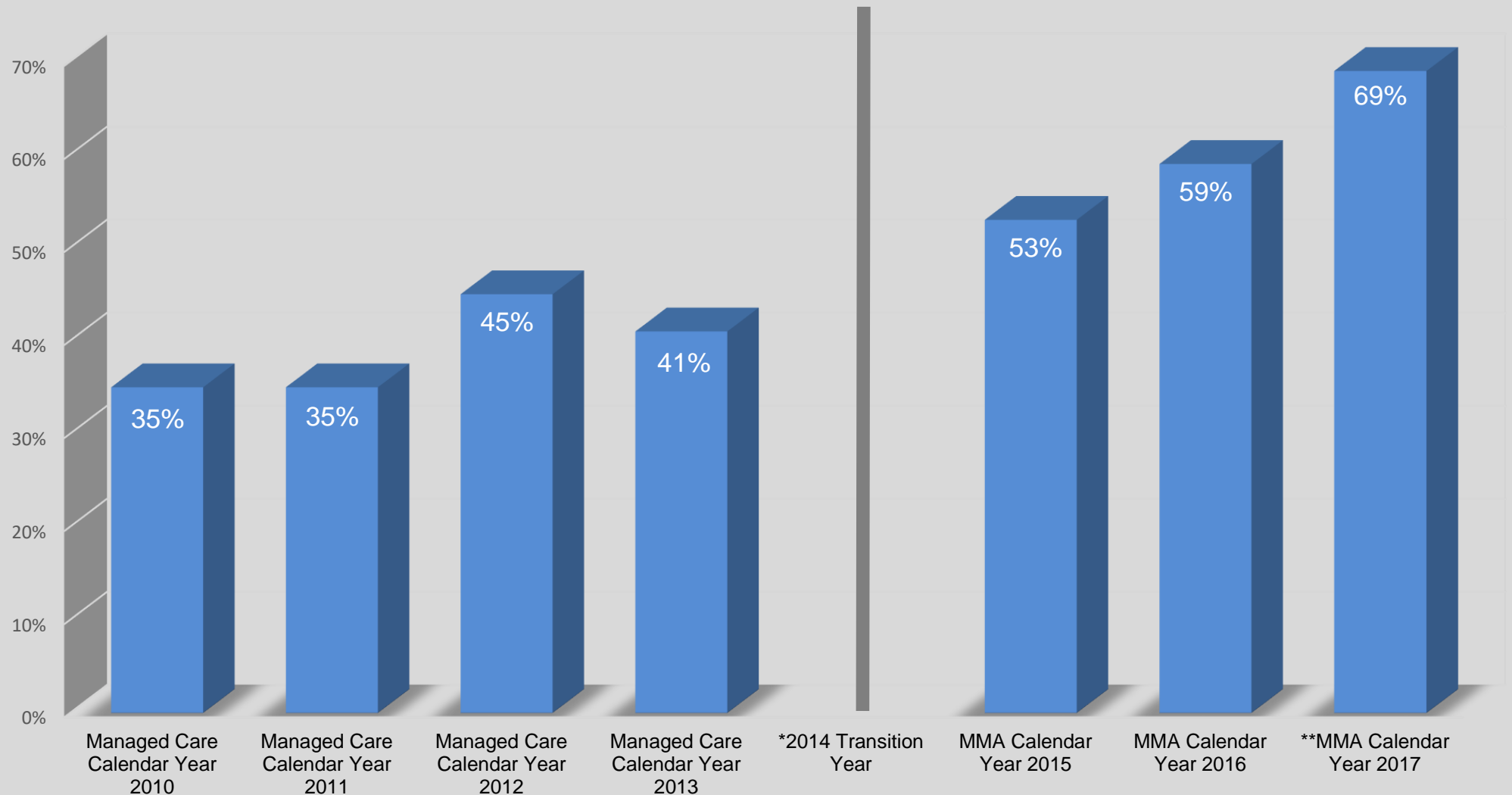
SMMC: The First Five Years

- The SMMC program started operation in 2013-2014.
- The first 5 years of the program have been very successful.

- Robust Expanded Benefits, Enhanced Provider Networks, and Care Management have led to:
 - Improved health quality outcomes
 - High patient satisfaction
 - Increased opportunity for individuals needing long-term care to transition from a nursing facility to their own home or other community living



Florida Medicaid Quality Scores At or Above the National Average



*Calendar Year 2014 was a transition year between Florida's prior managed care delivery system and the SMMC program implementation. **The HEDIS specifications for the Follow-up After Hospitalization for Mental Illness measure changed for the CY 2017 measurement period. Follow-up visits with a mental health practitioner that occur on the date of discharge are no longer included in the numerator as previously required in the CY 2016 specifications. Florida Medicaid plan rates and statewide weighted means are compared to national means that are calculated using the previous year's service data. Since the CY 2016 and CY 2017 measure specifications do not align, results are not comparable and the measure was excluded.

LTC Transition Incentive Success



SMMC Negotiation Successes

Major Program Improvements!

- Gains for Recipients
- Gains for Providers
- Improved Quality
- More & Richer Expanded Benefits



Questions?



THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-7-18
Meeting Date

N/A
Bill Number (if applicable)
N/A
Amendment Barcode (if applicable)

Topic SMMC Update

Name Beth Kidder

Job Title AHCA Deputy Secretary for Medicaid

Address _____ Phone _____
Street

City _____ State _____ Zip _____ Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Agency for Health Care Administration

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

TAKE CONTROL OF CONTROLLED SUBSTANCES

Comprehensive Controlled Substance Legislation CS/CS HB 21 Implementation Update

Senate Health Policy Committee
Rebecca R. Poston, BPharm, MHL
PDMP Program Manager
January 07, 2019



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- Standards of Practice
- Pain Management Clinics
- Mandatory Consultation of PDMP
- HEROS

#TAKECONTROL



Communication and Outreach

- Launched “Take Control” campaign
- 129,000 written communication
- 25,000 verbal communication

#TAKECONTROL



Communication and Outreach Continued

- 4,515 attended 31 webinars
- 1,006 viewed Take Control website
- 14,701 viewed E-FORCSE website

#TAKECONTROL



Continuing Education

- 8 board-approved providers
- 48,500 of 114,000 completed course
- Prescriber may not renew license if course not completed

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Standards of Practice

- Boards established Standards of Practice for Treatment of Acute Pain
- Boards established disciplinary guidelines
- Boards adopted rules

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Acute Pain Treatment

- 15.5% reduction in patients receiving schedule II opioids
- 9.7% increase in 1-3 days supply
- 1.7% increase in 3-7 days supply

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Pain Management Clinics

- Exempt PMC must register January 1, 2019
 - 8 types of clinics exempt
- Estimated 400 new applications
- 106 clinics approved and 155 pending

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PDMP

- Mandatory consultation
- 70 entities integrated data
- Sharing data with AL, GA, MS
pending approval NC, SC, TN

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Enrollment & Consultation

- Enrollment increased 43.1%
 - Highest enrollment- Prescribers
- Consultation increased 26.6%
 - Highest consultation- Pharmacists

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PDMP Data

- 3.8% decrease in patients receiving controlled substances
- 4.6% decrease in controlled substance prescriptions dispensed
- 1.76% decrease in morphine milligram equivalents (MME)

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Prescriber Behavior

- 8.7% reduction in hydrocodone
- 2.8% reduction in oxycodone
- 2.7% reduction in alprazolam
- 3,770 did not prescribe opioids

#TAKE CONTROL

Multiple Provider Episodes

- 79.1% reduction (5/5)
- 82.9% reduction (10/10)

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Successes

- Launched Take Control campaign
- 42% of prescribers completed CE
- 3.8% reduction in number of patients receiving controlled substances

#TAKECONTROL



Successes Continued

- 8.69% reduction in hydrocodone SA prescriptions dispensed
- 43.1% increase in PDMP registration
- 62,586 doses of naloxone distributed

#TAKE CONTROL



QUESTIONS?

For more information visit:

Flhealthsource.gov/floridatakecontrol

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#TAKECONTROL



Department of Health Opioid Response



Shamarial Roberson, DrPH, MPH
Division of Community Health Promotion
Florida Department of Health

Public Health Emergency Declaration

- Centers for Disease Control and Prevention (CDC) declared a national opioid epidemic in May 2017
- Governor Rick Scott signed Executive Order 17-146 directing a Public Health Emergency across the state which focused on opioid prevention, treatment and recovery support services
- The State Surgeon General issued a standing order for Naloxone, an emergency treatment for opioid overdose:
 - This ensures first responders have immediate access to lifesaving drugs to respond to opioid overdoses

A Public Health-facilitated Approach to Combat the Nation's Opioid Crisis

- Association of State and Territorial Health Officials (ASTHO) and National Association of State Alcohol and Drug Abuse Directors (NASADAD)

Preventing Opioid Misuse
in the States and Territories:



Opioid Framework: Four Key Strategies



Monitoring
and Surveillance



Prevention
and Education



Reduce and
Manage Access



Treatment and
Recovery

Monitoring and Surveillance



Monitoring and Surveillance: Policy Strategies

- Improve classification of opioid overdose deaths
- Monitor progress in substance misuse prevention efforts
- Establish data sharing agreements across state agencies
- Increase resources for state health surveillance needs

Monitoring and Surveillance: Program Strategies

- Optimize use of Prescription Drug Monitoring Program (PDMP)
- Expand the use of innovative, real-time surveillance systems
- Create a data dashboard that provides timely and accurate substance misuse and overdose information statewide

Opioid Response Efforts: Reporting

Emergency Medical Services Tracking and Reporting System (EMSTARS)

A system for collecting standardized prehospital incident level data

- Licensed EMS providers may submit overdose data to EMSTARS or the Overdose Detection and Mapping Application Program
- EMSTARS data is now available within 120 hours to law enforcement, public health officials, EMS, and fire rescue upon query
- Quarterly surveillance reports are distributed to Drug Policy Advisory Council (DPAC), Florida Fusion Center (FFC), and DCF

Opioid Response Efforts: Surveillance

Florida's Enhanced State Opioid Overdose Surveillance (FL-ESOOS) Program

CDC funded effort to enhance the collection, quality, and dissemination of comprehensive data

- Leverage Florida's existing incident-level EMS data collection system
- Collect, abstract, and input fatal opioid-involved overdose data from Death Certificates and Medical Examiner reports into the CDC's National Violent Death Reporting System and State Unintentional Drug Overdose Reporting System
- Disseminate surveillance data, and associated analyses and reports, to key stakeholders

Neonatal Abstinence Syndrome

Neonatal Abstinence Syndrome (NAS)

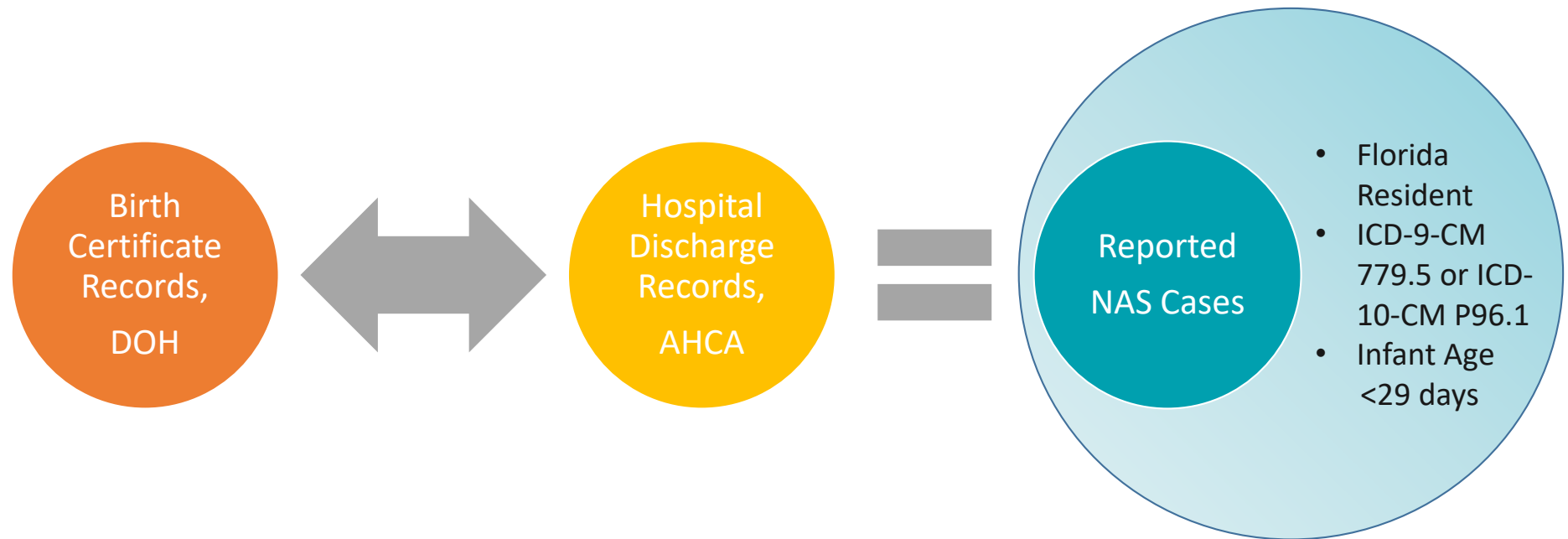
A condition experienced by neonates exposed to opioid prescription or illicit drugs during the prenatal period

- In 2013, the Statewide Task Force on Prescription Drug Abuse and Newborns recommended NAS be added to the list of Reportable Diseases/Conditions
- DOH added NAS to the List of Reportable Diseases/Conditions on June 4, 2014
- Florida was the third state to make NAS a reportable condition

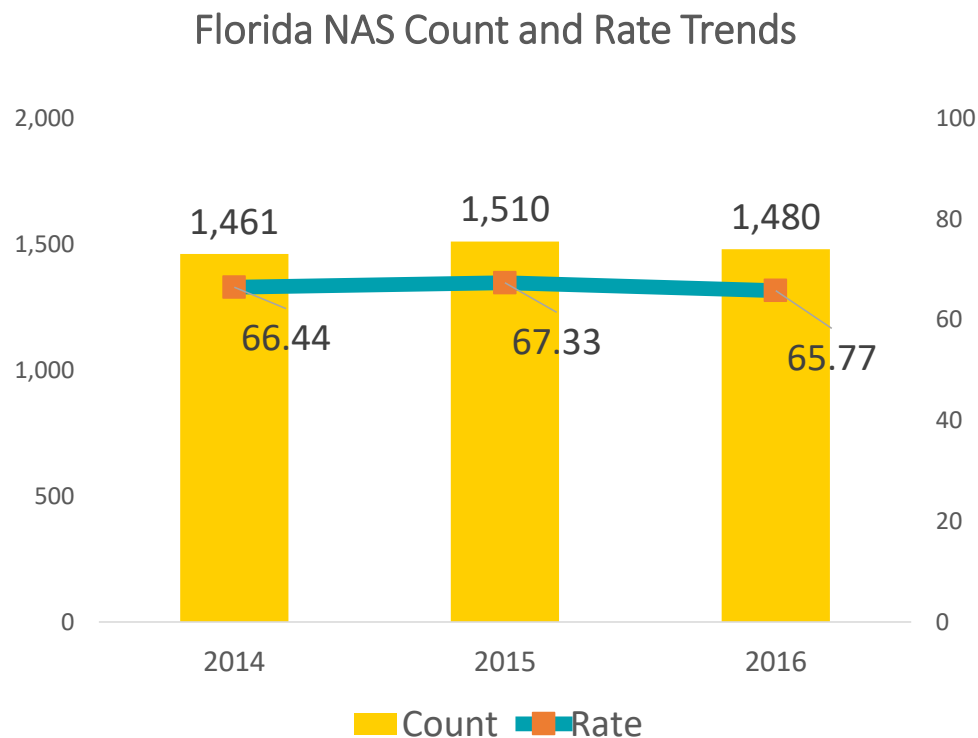
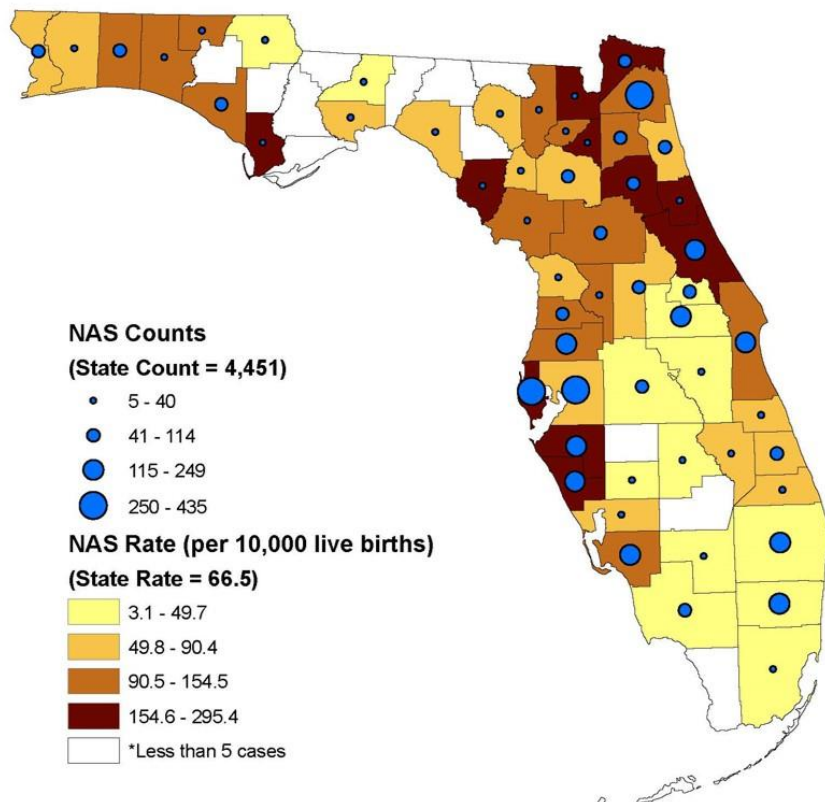
NAS Workgroup

- Convened in 2013 and comprised of stakeholders from DOH, DCF, AHCA, Office of the Attorney General, and University of South Florida
 - Seeks to identify best practices to reduce the number of babies born with NAS
- Working to update the NAS Case Definition
 - Will send to AHCA for implementation once consensus is achieved
- Training will be provided by AHCA to NICUs to assist with understanding of the updated case definition and collection of appropriate data

NAS Surveillance and Reporting



NAS Counts and Rates, 2014-2016



Florida Opioid Surveillance Plan

- Developed December 2018
- Provides common surveillance definitions
 - Fatal and nonfatal overdoses
 - Neonatal abstinence syndrome
- Includes national health measures and targets from Healthy People 2020

Opioid Surveillance Plan: Data Sources

1. Mandatory Reported Medical Health Data
 - Hospital stays, emergency department visits, death certificates
2. Syndromic Surveillance
3. Enhanced State Opioid Overdose Surveillance
4. Birth Defects Registry (NAS)
5. Managed Care Data
 - Medicaid, Medicare, private insurer/health management plan
6. Prescription Drug Monitoring Program
7. Florida Drug-Related Outcomes Surveillance and Tracking System (FROST)
8. Additional Sources
 - Crash and citation reports, uniform crime reports

Opioid Surveillance Plan: Data Measures

1. Health Status and Quality of Life
2. Intervention Measures
3. Prescription and Patient Measures
4. Drug-Related Consequences

Data Tools: County Profile Reports

County-specific reports will be published on Florida CHARTS

- www.flhealthcharts.com
- Years: 2015-2018
- Quarterly and annual data

Data indicators on profile

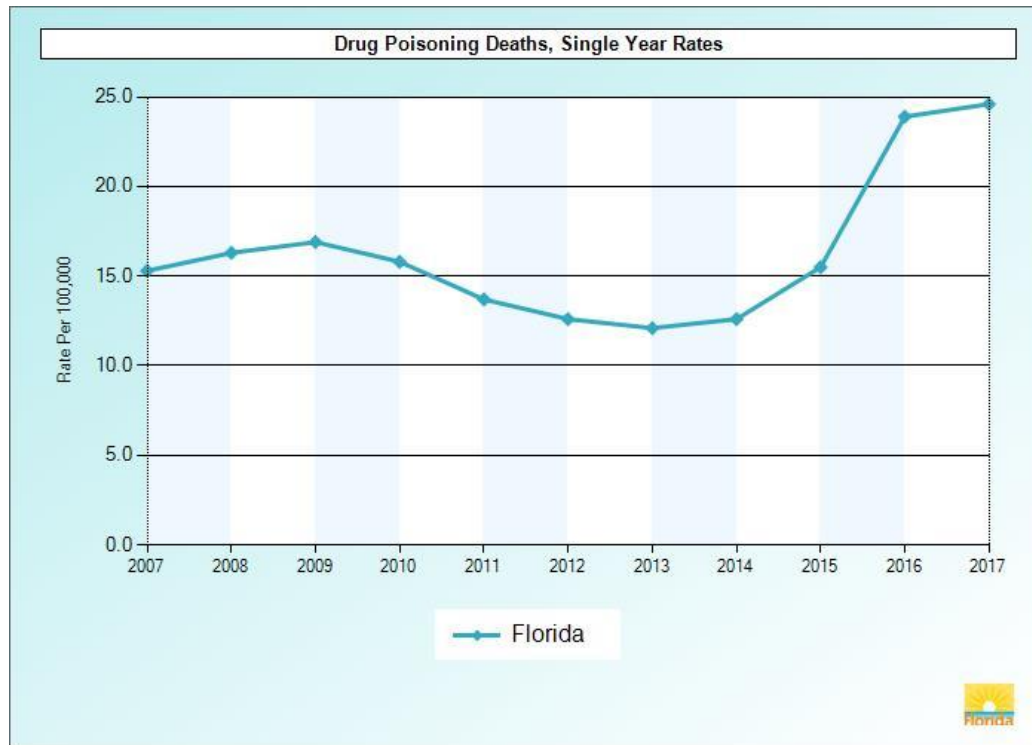
- Fatal and nonfatal overdoses
- Emergency department visits and poison control center calls
- Prescription and patient data
- Crime statistics

Data Tools: Real-Time Reporting

Goal: Improve data tools for community decision-making

- Timeliness
- Address/zip code level information
- Visualization
 - Maps
 - Graphs

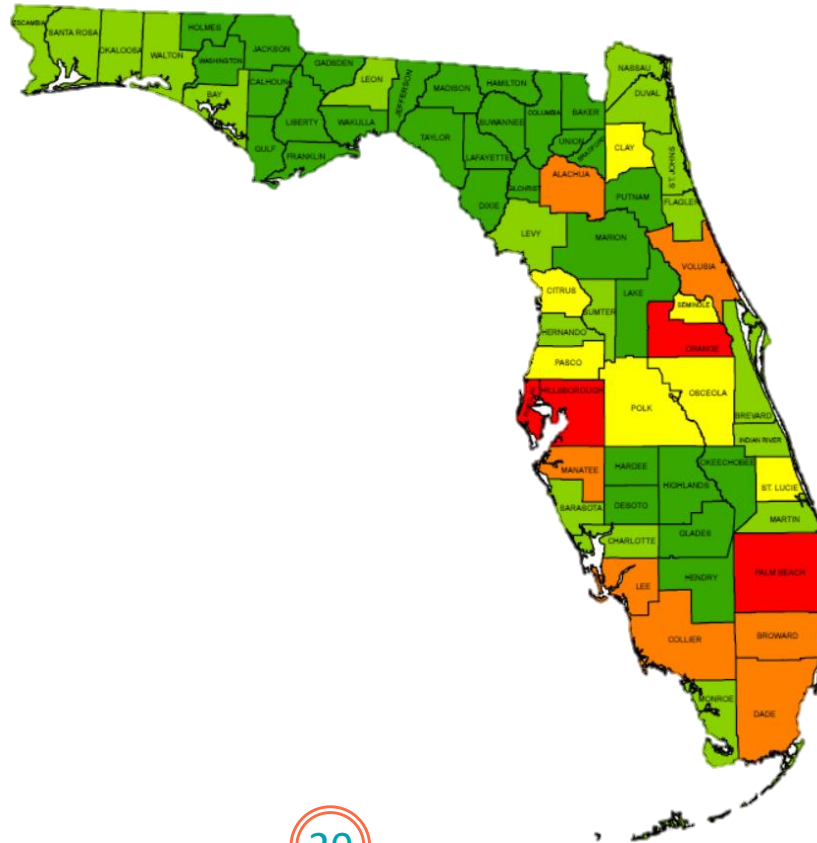
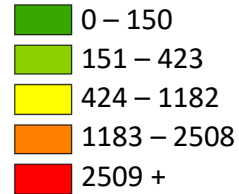
Drug Poisoning Deaths, 2007-2017



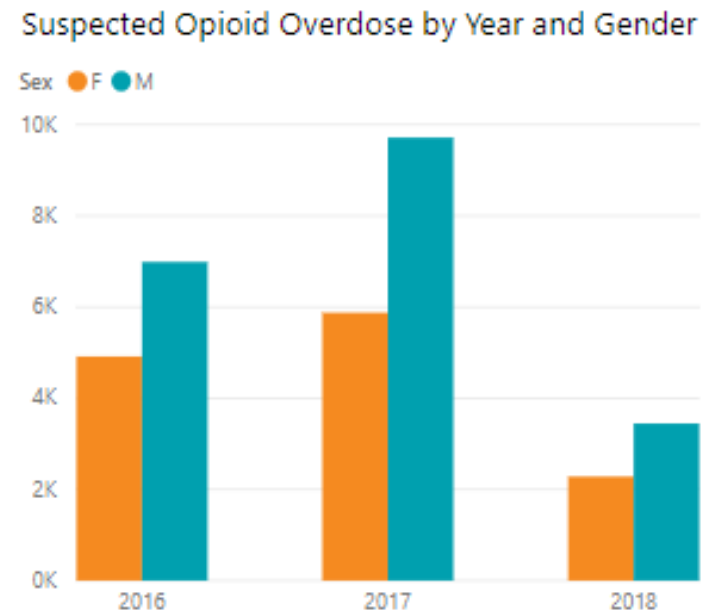
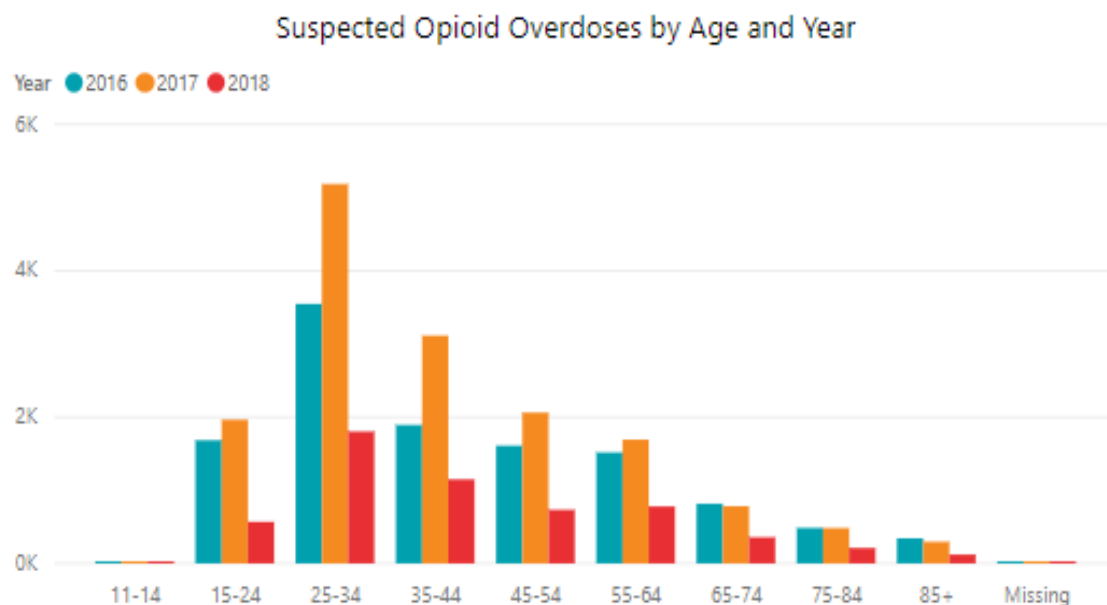
- Includes all drug poisoning deaths, not just opioids
- Increase from 2,752 deaths in 2007 to 4,908 deaths in 2017
- Rate increase from 15.3 per 100,000 people in 2007 to 24.6 per 100,000 people in 2017
 - 61% increase

Number of Overdoses by County, 2017

Overdose Count



Opioid Overdoses by Age and Gender



Note: 2018 Data includes January-June only

Prevention and Education



Prevention and Education: Policy Strategy

- Uncouple patient pain management scoring from overall patient care experiences, satisfaction surveys, and reimbursement

Prevention and Education: Program Strategies

- Promote and implement evidence-based primary prevention strategies that prevent substance misuse and addiction
- Increase awareness of Adverse Childhood Events (ACEs)
- Strengthen social supports and programs that address the social conditions and determinants of health
- Promote maternal and early childhood health programs, prioritize screening and access to treatment for infants with NAS and pregnant women with opioid use disorder
- Develop comprehensive public awareness campaigns

Adverse Childhood Experiences (ACEs)

- ACEs include physical or psychological abuse, poor economic resources, or experiencing discrimination and have life-long impacts
- The 2014 BRFSS showed that roughly **1 in 4** adults in Florida experienced three or more ACEs during childhood:
 - Many of most common adult health conditions like obesity, heart disease, and **substance abuse** are linked to childhood adversity

School Health Services Program

- Recognition of the connection between physical and mental health and academic performance
- School Health Services Program Ad Hoc Advisory Committee:
 - Developing recommendations by June 30, 2019 on best practices and initiatives to improve health outcomes for students in Florida

Treatment and Recovery



Treatment and Recovery: Policy Strategies

- Increase access to naloxone
- Review systems regarding disaster readiness to ensure continuity of services and availability of treatment in a post-disaster context

Treatment and Recovery: Program Strategies

- Reduce the stigma attributed to substance use disorders
- Expand use of telemedicine and telehealth programs to improve access to treatment and recovery support services
- Establish informational “warm-lines” or other telephone-based resource lines that connect people in need with treatment services
- Expand or establish outreach recovery efforts in which peer recovery specialists connect individuals in the community with needed services

Opioid Response Efforts: Naloxone

Helping Emergency Responders Obtain Support (HEROS) Grant Program

- \$5 million appropriated in recurring general revenue funding to help emergency responders receive naloxone through grant program
- Agencies can request preferred type of unit:
 - Naloxone auto-injector, pre-filled syringe, vials, and nasal spray

Round 1 Funding

- 62,586 doses provided to 119 agencies
- Invoiced \$1.86 million

Round 2 Funding

- 47 agencies applied

NAS Response: FPQC Collaborative

Florida Perinatal Quality Collaborative (FPQC)

- DOH MCH Section has contracted with the FPQC at the University of South Florida to develop and implement a NAS quality improvement initiative that will:
 - Standardize assessment and treatment of NAS to reduce the length of hospital stay and ultimately the cost to care for these infants
 - By June 2020, participating hospitals aim to have a 20% decrease in baseline length of stay for all term infants with NAS, regardless of inpatient location in the hospital

NAS Response: FHA NAS Project

Florida Hospital Association/DOH/AHCA NAS collaboration aims to:

- Incentivize Medicaid managed care plans to focus on substance use and mental health needs of their patients
- Discuss ways to identify partners of pregnant Medicaid enrollees who have substance used disorder and engage these fathers in treatment
- Ensure proper training on new nomenclature and codes for NAS

NAS Response: Safe Plans of Care

- DOH partnered with DCF (lead agency), the Agency for Health Care Administration (AHCA), the Maternal Infant Early Child Home Visit (MIECHV) program, Healthy Start, Early Steps, Florida State University and the University of Florida to form a workgroup to define and create the Safe Plans of Care required by the Comprehensive Addiction and Recovery Act in 2016
- It creates a plan of care that addresses the needs of the substance exposed infant, mother, and the affected family member or caregiver by:
 - Referring mother to treatment services in and out the hospital
 - Monitoring treatment, recovery progress, and compliance with plan of care
 - Connecting infant, mother, and family to community resources

State Health Improvement Plan, 2017-2021

Behavioral Health Priority Area – Substance Use Goals

1. Decrease the number of newborns experiencing neonatal abstinence syndrome
2. Reduce the number of opioid overdose deaths among individuals with opioid use disorders

Comprehensive DOH Opioid Framework



Monitoring
and Surveillance



Prevention
and Education



Reduce and
Manage Access



Treatment and
Recovery

Thank you

Questions?



Shamarial Roberson, DrPH, MPH
Division of Community Health Promotion
Florida Department of Health

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/2/19
Meeting Date

Bill Number (if applicable)

Topic Opioid Update

Amendment Barcode (if applicable)

Name Claudia Kemp

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Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Department of Health

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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1/7/19

Meeting Date

Bill Number (if applicable)

Topic Opioid Update - DOH

Amendment Barcode (if applicable)

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Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Department of Health

Appearing at request of Chair: ☒ Yes ☐ No

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APPEARANCE RECORD

✓

1/7/19

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Meeting Date

Bill Number (if applicable)

Topic HB 21 Implementation

Amendment Barcode (if applicable)

Name Stephen A. Leedy, MD

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Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Hospice and Palliative Care Association

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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1.7.19

Meeting Date

Bill Number (if applicable)

Topic GP1010 update - FDOT

Amendment Barcode (if applicable)

Name Shamaria (Roberson)

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Address 2585 Bald Cypress Way Phone (850) 245-4391
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Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Department of Health

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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COMMITTEE ON HEALTH POLICY JURISDICTIONAL RESPONSIBILITIES

Agency Oversight

- Agency for Health Care Administration
- Department of Health

Health Care Delivery Systems

- Medicaid
- Children's Health Insurance (CHIP, KidCare, Florida Healthy Kids Corporation)
- Children's Medical Services
- Disease Interventions
- Federal Affordable Care Act
- County Health Departments, Federally Qualified Health Centers
- Rural Health

Licensure and Regulation of Health Care Practitioners

- Licensure and Credentialing, Scope of Practice, Malpractice, and Discipline
- Workforce Adequacy and Education
- Emergency Medical Operations
- Background Screening

Licensure and Regulation of Health Care Facilities

- Hospitals, ambulatory surgical centers, nursing homes, assisted living facilities, nurse registries, clinical laboratories, abortion clinics, health care clinics, etc.
- Background Screening
- Florida Center for Health Information and Transparency

Market Regulation & Health Care Ethics

- Certificate of Need
- Trauma Center Allocation and Designation
- Health Care Provider Certificates
- Subscriber Assistance Program
- Provider and Health Plan Claim Dispute Resolution Program
- Abortion
- Advance Directives
- Health Care Surrogates
- Biomedical Research
- Human-Subject Medical Research
- Health Care Provider Conflicts of Interest and Referrals
- Health Care Fraud and Abuse

COMMITTEE ON HEALTH POLICY JURISDICTIONAL RESPONSIBILITIES

- Right to Privacy
- End-of-Life Issues
- Medical Records / Electronic Health Records

Drugs and Medical Devices (DBPR)

Environmental Health Programs (DOH)

Biomedical waste disposal, food hygiene, group care facilities, lodging parks, migrant labor camps, mobile home parks, monitoring the safety of beach water, onsite sewage treatment and disposal systems, public swimming pools, recreational camps, and recreational vehicle parks

Medical Marijuana

Medical Provider Sovereign Immunity

Public Health Programs

Bright Expectations; Early Steps; Healthy Start; emergency preparedness and response; injury and disease prevention programs; minority health; newborn screening; dental health; school health; public health laboratories; family planning and reproductive health services; tobacco; vital statistics; and Women Infants and Children's Program (WIC)

Telehealth / Telemedicine